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COLLECTION
OF THE
PARLIAMENTARY
DEBATES
IN
ENGLAND,

FROM

The YEAR M,DC,LXVIII

To the present TIME.

VOL. XXI.

To which is added,

A Compleat INDEX to all the
VOLUMES.

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Parliamentary DEBATES.

HIS Majesty having in his speech from the throne, at the opening of the session, recommended to both houses, to consider of some good law to prevent the mischiefs arising from the exportation of corn and other provisions, the house of Commons, upon *November 19*, being the second day of their sitting, ordered that leave be given to bring in a bill to enable his Majesty to prohibit, for a time to be limited, the exportation of corn and other provisions, out of *Great Britain, Ireland*, and his Majesty's colonies and plantations in *America*; as has been already mentioned. This bill was accordingly brought in upon the 21st, and being read a first time, and ordered to be read a second time, a motion was made for having it printed; but upon putting the question, it was carried in the negative, and the bill was read a second time on the 25th, and committed to a Committee of the whole house. However, before the house resolved itself into a Committee upon it, there were several petitions presented against it in a regular manner, besides the paper called *Considerations*, &c. before-mentioned, (VOL. XX. p. 339.) and the petitions were severally ordered to be referred to the consideration of the Committee of the whole house, to whom the said bill was committed, and that the petitioners might there be heard by themselves, if they thought fit.

Petitions
presented
against the
Bill for pro-
hibiting the
exportation
of corn, &c.

Debate upon
it.

When this bill was read a second time, and a motion made for committing it, a debate ensued, which was begun by *William Pulteney, Esq;* in a speech to this effect.

Mr. Pulteney's speech.

‘ Mr. Speaker,

‘ Sir, After all the attention which has been
‘ bestowed upon the bill now before us, I cannot
‘ yet conceive it such, as can benefit the nation,
‘ or such as will not produce far greater inconveni-
‘ niencies, than those it is intended to obviate;
‘ and therefore, as those inconveniencies may be
‘ prevented by other means, I cannot but declare
‘ that I am far from approving it.

‘ Our ancestors, Sir, have always thought it
‘ the great business of this house to watch against
‘ the incroachments of the prerogative, and to
‘ prevent any increase of the power of the mini-
‘ ster, and the Commons have always been con-
‘ sidered as more faithful to their trust, and more
‘ properly the representatives of the people, in
‘ proportion as they have considered this great
‘ end with more attention, and prosecuted it with
‘ more invariable resolution. If we inquire into
‘ the different degrees of reputation, which the
‘ several assemblies of the Commons have obtain-
‘ ed, and consider why some are remember’d with
‘ reverence and gratitude, and others never men-
‘ tioned but with detestation and contempt, we
‘ shall always find that their conduct, with regard
‘ to this single point, has produced their renown
‘ or their infamy. Those are always by the ge-
‘ neral suffrage of mankind applauded as the pa-
‘ trons of their country, who have struggled with
‘ the influence of the crown, and those con-
‘ demned as traitors, who have either promoted
‘ it by unreasonable grants, or seen it increase by
‘ slow degrees without resistance.

‘ It

‘ It has not indeed, Sir, been always the practice of ministers to make open demands of larger powers, and avow, without disguise, their designs of extending their authority; such proposals would in former times have produced no consequences but that of awakening the vigilance of the Parliament, of raising suspicions against all their proceedings, and of embarrassing the crown with petitions, addresses, and impeachments.

‘ They were under a necessity in those times of promoting their schemes, those schemes which scarcely any ministry has forborn to adopt, by more secret and artful and silent methods, by methods of diverting the attention of the public to other objects, and of making invisible approaches to the point in view, while they seem’d to direct all their endeavours to different purposes.

‘ But such, Sir, have been the proofs of implicit confidence, which the administration has received from this assembly, that it is now common to demand unlimited powers, and to expect confidence without restriction, to require an immediate possession of our estates by a vote of credit, or the sole direction of our trade by an act for prohibiting, during their pleasure, the exportation of the produce of our lands.

‘ Upon what instances of uncommon merit, of regard to the publick prosperity, unknown in former times, or of discernment superior to that of their most celebrated predecessors, the present ministers found their new claims to submission and to trust, I am indeed at a loss to discover; for however mankind may have determined concerning the integrity of those by whom the late memorable convention was transacted, defended, and confirmed, I know not that their wisdom has yet appeared by any in-

‘ contestable or manifest evidence, which may set
 ‘ their abilities above question, and fix their re-
 ‘ putation for policy out of the reach of censure
 ‘ and inquiries.

‘ The only act, Sir, by which it can be dis-
 ‘ covered, that they have any degree of penetra-
 ‘ tion proportionate to their employments, is the
 ‘ embargo lately laid upon provisions in *Ireland*,
 ‘ by which our enemies have been timely hindred
 ‘ from furnishing themselves from our dominions
 ‘ with necessaries for their armies and their na-
 ‘ vies, and our fellow subjects have been re-
 ‘ strained from exposing themselves to the mis-
 ‘ eries of famine, by yielding to the temptation
 ‘ of present profit; a temptation generally so
 ‘ powerful as to prevail over any distant interest.

‘ But as nothing is more contrary to my natu-
 ‘ ral disposition, or more unworthy of a member
 ‘ of this house than flattery, I cannot affirm that
 ‘ I ascribe this useful expedient wholly to the fa-
 ‘ gacity or the caution of the ministry, nor can I
 ‘ attribute all the happy effects produced by it to
 ‘ their benign solicitude for the publick welfare.

‘ I am inclined to believe, that this step was ad-
 ‘ vised by those who were prompted to consider
 ‘ its importance by motives more prevalent than
 ‘ that of publick spirit, and that the desire of
 ‘ profit which has so often dictated pernicious
 ‘ measures, has for once produced, in return, an
 ‘ expedient just and beneficial, and it has, for
 ‘ once, luckily fallen out, that some of the
 ‘ friends of the administration have discovered
 ‘ that the publick interest was combined with
 ‘ their own.

‘ It is highly probable, Sir, that the contrac-
 ‘ tors for supplying the navy with provisions,
 ‘ considering with that acuteness which a quick
 ‘ sense of loss and gain always produces, how
 ‘ much the price of victuals would be raised by

‘ exportation, and by consequence how much of
‘ the advantage of their contracts would be di-
‘ minished, suggested to the ministry the neces-
‘ sity of an embargo, and laid before them those
‘ arguments which their own observation and
‘ wisdom would never have discovered.

‘ Thus, Sir, the ministers in that instance of
‘ their conduct, on which their political reputa-
‘ tion must be founded, can claim perhaps no
‘ higher merit, than that of attending to supe-
‘ rior knowledge, of complying with good ad-
‘ vice when it was offered, and of not resisting
‘ demonstration when it was laid before them.

‘ But as I would never ascribe to one man the
‘ merit of another, I should be equally unwilling
‘ to detract from due commendations, and shall
‘ therefore freely admit, that not to reject good
‘ counsel is a degree of wisdom, at which I could
‘ not expect that they, by whom the convention
‘ was concluded, would ever have arrived.

‘ But whatever proficiency they may have
‘ made in the art of government since that cele-
‘ brated period, however they may have en-
‘ creased their maxims of domestick policy, or
‘ improved their knowledge of foreign affairs, I
‘ cannot but confess myself still inclined to some
‘ degree of suspicion, nor can prevail upon my-
‘ self to shut my eyes and deliver up the publick
‘ and myself implicitly to their direction.

‘ Their sagacity, Sir, may perhaps of late
‘ have received some improvements from longer
‘ experience, and with regard to their integrity,
‘ I believe at least that it is not much dimi-
‘ nished; and yet I cannot forbear asserting the
‘ right of judging for myself, and of determin-
‘ ing according to the evidence that shall be
‘ brought before me.

‘ I have hitherto entertained an opinion, that
‘ for this purpose only we are deputed by our

‘ constituents, who, if they had reposed no confidence in our care or abilities, would have given up long since the vexatious right of contesting for the choice of representatives. They would have furnished the ministry with general powers to act for them, and sat at ease, with no other regard to publick measures, than might incite them to animate with their applauses, the laudable endeavours of their profound, their diligent, and their magnanimous governors.

‘ As I do not therefore check any suspicions in my own mind, I shall not easily be restrained from uttering them, because I know not how I shall benefit my country, or assist her counsels by silent meditations. I cannot, Sir, but observe, that the powers conferred by this bill upon the administration are larger than the nation can safely repose in any body of men, and with which no man, who considers to what purposes they may be employed, will think it convenient to invest the negotiators of the convention.

‘ Nor do my objections to this act arise wholly from my apprehensions of their conduct, who are intrusted with the execution of it, but from my reflections on the nature of trade, and the conduct of those nations who are most celebrated for commercial wisdom.

‘ It is well known, Sir, how difficult it is to turn trade back into its ancient channel, when it has by any means been diverted from it, and how often a profitable traffick has been lost forever, by a short interruption, or temporary prohibition. The resentment of disappointed expectations, inclines the buyer to seek another market, and the civility to which his new correspondents are incited by their own interest, detains him, till those by whom he was formerly supplied, having no longer any vent for

‘ their products or their wares, employ their labours on other manufactures, or cultivate their lands for other purposes.

‘ Thus, Sir, if those nations who have hitherto been supplied with corn from *England*, should find a method of purchasing it from *Denmark*, or any other of the northern countries, we may hereafter see our grain rotting in our storehouses, and be burdened with provisions which we can neither consume ourselves, nor sell to our neighbours.

‘ The *Dutch*, whose knowledge of the importance or skill in the arts of commerce will not be questioned, are so careful to preserve the inlets of gain from obstruction, that they make no scruple of supplying their enemies with their commodities, and have been known to sell at night those bullets which were next day to be discharged against them.

‘ Whether their example, Sir, deserves our imitation, I am not able to determine; but it ought at least to be considered, whether their conduct was rational or not, and whether they did not by a present evil, ensure an advantage which overbalanced it.

‘ There are doubtless, Sir, sometimes such exigencies as require to be complied with at the hazard of future profit, but I am not certain that the scarcity which is feared or felt at present, is to be numbered amongst them; but, however formidable it may be thought, there is surely no need of a new law to provide against it: For it is one of those extraordinary incidents, on which the crown has the right of exerting extraordinary powers. On occasions like this, the prerogative has hitherto operated very effectually, and I know not that the law has ever restrained it.

‘ It is therefore, Sir, in my opinion, most prudent to determine nothing in so dubious a question, and rather to act as the immediate occasion shall require, than prosecute any certain method of proceeding, or establish any precedent by an act of Parliament.

‘ To restrain that commerce by which the necessities of life are distributed, is a very bold experiment, and such as once produced an insurrection in *Turkey*, that terminated in the deposition of one of their monarchs.

‘ I therefore willingly confess, Sir, that I know not how to conclude; I am unwilling to deprive the nation of bread, or to supply our enemies with strength to be exerted against ourselves; but I am on the other hand afraid to restrain commerce, and to trust the authors of the convention.’

Henry Pelham, Esq; spoke next, to the following purport.

‘ Mr. Speaker,

Mr. Pelham's speech.

‘ Sir, I am always in expectation of improvement and instruction when that gentleman engages in any discussion of national questions, on which he is equally qualified to judge by his great abilities and long experience, by that popularity which enables him to sound the sentiments of men of different interests, and that intelligence which extends his views to distant parts of the world; but on this occasion I have found my expectations frustrated, for he has inquired without making any discovery, and harangued without illustrating the question before us.

‘ He has satisfied himself, Sir, with declaring his suspicions, without condescending to tell us what designs or what dangers he apprehends. To fear without being able to shew the object
‘ of

‘ of our terrors, is the last, the most despicable
 ‘ degree of cowardice, and to suspect without
 ‘ knowing the foundation of our own suspicions
 ‘ is surely a proof of a state of mind, which would
 ‘ not be applauded on common occasions, and
 ‘ such as no man but a patriot would venture to
 ‘ confess.

‘ He has indeed, Sir, utter’d some very inge-
 ‘ nious conceits upon the late convention, has al-
 ‘ luded to it with great luxuriance of fancy, and
 ‘ elegance of diction, and must at least confess
 ‘ that whatever may be its effects upon the interest
 ‘ of the nation, it has to him been very beneficial,
 ‘ as it has supplied him with a subject of raillery
 ‘ when other topicks began to fail him, and given
 ‘ opportunity for the exercise of that wit which
 ‘ began to languish for want of employment.

‘ What connection his wonderful sagacity has
 ‘ discovered between the convention and a corn-
 ‘ bill, I cannot yet fully comprehend, but have
 ‘ too high an opinion of his abilities to imagine
 ‘ that so many insinuations are wholly without
 ‘ any reason to support them. I doubt not there-
 ‘ fore, Sir, but that when some fitter opportunity
 ‘ shall present itself, he will clear their resemblance,
 ‘ and branch out the parallel between them into a
 ‘ thousand particulars.

‘ In the mean time, Sir, it may be proper for
 ‘ the house to expedite the bill, against which no
 ‘ argument has yet been produced, and which is
 ‘ of too much importance to be delayed by raillery
 ‘ or invectives.’

Samuel Sandys, Esq; spoke next, in substance as follows:

‘ Mr. Speaker,

‘ Sir, The bill before us, as it is of too great *Mr. Sandys's*
 ‘ importance to be negligently delayed, is likewise *speech.*

‘ too

‘ too dangerous to be precipitately hurried into a law.

‘ It has been always the practice of this house to consider money-bills with particular attention, because money is power in almost the highest degree, and ought not therefore to be given but upon strong assurances, that it will be employed for the purposes for which it is demanded, and that those purposes are in themselves just.

‘ But if we consider, Sir, the bill now before us, it will appear yet more than a money-bill, it will be found a bill for regulating the disposal of that, which it is the great use of money to procure; and is therefore not to be passed into a law without a close attention to every circumstance that may be combined with it, and an accurate examination of all the consequences that may be produced by it.

‘ Some of these circumstances or consequences, it is the duty of every member to lay before the house, and I shall therefore propose, that the inducements to the discovery of any provisions illegally exported, and the manner of levying the forfeiture may be particularly discussed; for by a defect in this part, the regulation lately established by the Regency, however seasonable, produced tumults and distractions, which every good government ought studiously to obviate.

‘ By their proclamation, Sir, half the corn that should be found designed for exportation, was to be given to those who should discover and seize it. The populace alarmed at once with the danger of a famine, and animated by a proclamation that put into their own hands the means of preventing it, and the punishment of those from whose avarice they apprehended it, rose in throngs to execute so grateful a law. Every man, Sir, whose distress had exasperated him, was incited to gratify his resentment, every man
‘ whose

‘ whose idleness prompted him to maintain his family by methods more easy than that of daily labour, was delighted with the prospect of growing rich on a sudden by a lucky seizure. All the seditious, and the profligate combined together in the welcome employment of violence and rapine, and when they had once raised their expectations, there was no small danger, lest their impatience of disappointment should determine them to conclude, that corn, wherever found, was designed for exportation, and to seize it as a lawful prize.

‘ Thus, Sir, by an imprudent regulation, was every man’s property brought into hazard, and his person exposed to the insults of a hungry, a rapacious, and ungovernable rabble, let loose by a publick proclamation, and encouraged to search houses and carriages by an imaginary law.

‘ That we may not give occasion to violence and injustice of the same kind, let us carefully consider the measures which are proposed before we determine upon their propriety, and pass no bill on this important occasion, without such deliberation as may leave us nothing to change or to repent.’

Giles Earle, Esq; spoke next, to this effect.

‘ Mr. Speaker,

‘ Sir, Notwithstanding the dangers which have been represented as likely to arise from any error in the prosecution of this great affair, I cannot but declare my opinion, that no delay ought to be admitted, and that not even the specious pretence of more exact inquiries, and minute considerations, ought to retard our proceedings for a day.

‘ My imagination, Sir, is perhaps, not so fruitful as that of some other members of this house, and therefore they may discover many inconveniencies,

Mr. Earle's speech.

‘ niencies, which I am not able to conceive. But
 ‘ as every man ought to act from his own con-
 ‘ viction, it is my duty to urge the necessity of
 ‘ passing this bill, till it can be proved to me, that
 ‘ it will produce calamities equally to be dreaded
 ‘ with the consequences of protracting our debates
 ‘ upon it, equal to the miseries of a famine, or
 ‘ the danger of enabling our enemies to store their
 ‘ magazines, to equip their fleets, and victual
 ‘ their garisons.

‘ If it could be imagined, that there was in this
 ‘ assembly a subject of *France* or *Spain*, zealous
 ‘ for the service of his Prince, and the prosperity
 ‘ of his country, I should expect that he would
 ‘ summon all his faculties to retard the progress of
 ‘ this bill, that he would employ all his sophistry
 ‘ to show its inconveniency and imperfections,
 ‘ and exhaust his invention to suggest the dangers
 ‘ of haste; and certainly he could do nothing that
 ‘ would more effectually promote the interest of
 ‘ his countrymen, or tend more to enfeeble and
 ‘ depress the power of the *British* nation.

‘ If this would naturally be the conduct of an
 ‘ enemy, it is unnecessary to prove that we can
 ‘ only be safe by acting in opposition to it; and I
 ‘ think it superfluous to vindicate my ardour for
 ‘ promoting this bill, when it is evident that its
 ‘ delay would be pleasing to the *Spaniards*.’

Then *Peter Burrel*, Esq; spoke as follows.

‘ Mr. Speaker,

Mr. Burrel's
speech.

‘ Sir, If this law be necessary at any time, it
 ‘ cannot now be delay'd; for a few days spent in
 ‘ deliberation, may make it ineffectual, and that
 ‘ evil may be past, of which we sit here contriving
 ‘ the prevention.

‘ That many contracts, Sir, for the exportation
 ‘ of provisions are already made in all the mari-
 ‘ time parts of the kingdom, is generally known;
 ‘ and

‘ and it requires no great sagacity to discover that
 ‘ those by whom they are made, and made with
 ‘ a view of immense profit, are desirous that they
 ‘ may be executed; and that they will soon com-
 ‘ plet the execution of them, when they are a-
 ‘ larmed with the apprehension of a bill, which in
 ‘ a few days may take from them the power of
 ‘ exporting what they have already collected, and
 ‘ snatch their gain from them when it is almost in
 ‘ their hands.

‘ A bill for these purposes, Sir, ought to fall
 ‘ upon the contractors like a sudden blow, of
 ‘ which they have no warning or dread; against
 ‘ which they therefore cannot provide any securi-
 ‘ ty, and which they can neither elude nor resist.

‘ If we allow them a short time, our expedi-
 ‘ ents will be of little benefit to the nation, which
 ‘ is every day impoverish’d by the exportation of
 ‘ the necessaries of life, in such quantities, that
 ‘ in a few weeks the law, if it be passed, may
 ‘ be without penalties, for there will be no possi-
 ‘ bility of disobeying it.’

Sir *John Barnard* spoke next to the following purpose:

‘ Mr. Speaker,

‘ Sir, I cannot discover the necessity of pressing Sir John Barnard's speech.
 ‘ the bill with such precipitation, as must necessa-
 ‘ rily exclude many useful considerations, and may
 ‘ produce errors extremely dangerous; for I am
 ‘ not able to conceive what inconveniencies can
 ‘ arise from a short delay.

‘ The exportation of provisions from *Ireland*
 ‘ is at present stopped by the proclamation; and
 ‘ the beef which was designed for other nations,
 ‘ has been prudently bought up by the contrac-
 ‘ tors, by which those murmurs have been in a
 ‘ great

‘ great measure obviated, which naturally arise from disappointments and losses.

‘ There is therefore, Sir, no danger of exportations from that part of our dominions, which is the chief market for provisions, and from whence our enemies have been generally supplied: In *England* there is less danger of any such pernicious traffick, both because the scarcity here has raised all provisions to a high price, and because merchants do not immediately come to a new market.

‘ The bill, at least, ought not to be passed without regard to the general welfare of our fellow-subjects, nor without an attentive consideration of those petitions which have been presented to us; petitions not produced by panick apprehensions of imaginary dangers, or distant prospects of inconveniencies barely possible, but by the certain foresight of immediate calamities, the total destruction of trade, and the sudden desolation of flourishing provinces.

‘ By prohibiting the exportation of rice, we shall, Sir, in one year, reduce the colony of *South Carolina* below the possibility of subsisting; the chief product of that country, the product which induced us originally to plant it, and with which all its trade is carried on, is rice. With rice the inhabitants of that province purchase all the other necessaries of life, and among them the manufactures of our own country. This rice is carried by our merchants to other parts of *Europe*, and sold again for large profit.

‘ That this trade is very important, appears from the number of ships which it employs, and which, without lading, must rot in the harbours, if rice be not excepted from the general prohibition. Without this exception, Sir;
‘ it

‘ it is not easy to say what numbers, whose stations appear very different, and whose employments have no visible relation to each other, will be at once involved in calamity, reduced to sudden distress, and obliged to seek new methods of supporting their families. The sailor, the merchant, the shipwright, the manufacturer, with all the subordinations of employment that depend upon them, all that supply them with materials, or receive advantage from their labours, almost all the subjects of the *British* crown must suffer at least in some degree, by the ruin of *Carolina*.

‘ Nor ought the danger of the sugar islands, and other provinces, less to alarm our apprehensions, excite our compassion, or employ our consideration, since nothing is more evident than that by passing this bill without the exceptions which their petitions propose, we shall reduce one part of our colonies to the want of bread, and confine the other to live on nothing else; for they subsist by the exchange of those products to which the soil of each country is peculiarly adapted: One province affords no corn, and the other supplies its inhabitants with corn only.

‘ The necessity of expediting this bill, however it has been exaggerated, is not so urgent but that we may be allowed time sufficient to consider for what purpose it is to be passed, and to recollect that nothing is designed by it, but to hinder our enemies from being supplied from the *British* dominions with provisions, by which they might be enabled more powerfully to carry on the war against us.

‘ To this design no objection has been made, but it is well known, that a good end may be defeated by an absurd choice of means, and I am not able to discover how we shall increase
‘ our

‘ our own strength, or diminish that of our enemies, by compelling one part of our fellow-subjects to starve the other.

‘ It is necessary, Sir, to prohibit the exportation of corn to the ports of our enemies, and of those nations by which our enemies will be supplied; but surely it is of no use to exclude any part of our own dominions from the privilege of being supplied from another. Nor can any argument be alledged in defence of such a law, that will not prove with equal force, that corn ought to remain in the same granaries where it is now laid, that all the markets in this kingdom should be suspended, and that no man should be allowed to sell bread to another.

‘ There is, indeed, Sir, a possibility that the liberty for which I contend may be used to wicked purposes, and that some men may be incited by poverty or avarice to carry the enemy those provisions, which they pretend to export to *British* provinces. But if we are to refuse every power that may be employed to bad purposes, we must lay all mankind in dungeons, and divest human nature of all its rights; for every man that has the power of action, may sometimes act ill.

‘ It is, however, prudent to obstruct criminal attempts, even when we cannot hope intirely to defeat them; and therefore I am of opinion, that no provisions ought to be exported without some method of security, by which the governors of every place may be assured that they will be convey’d to our own colonies. Such securities will easily be contrived, and may be regulated in a manner that they shall not be defeated without such hazard, as the profit that can be expected from illegal commerce, will not be able to compensate.

‘ It

‘ It is therefore, Sir, proper to delay the bill
 ‘ so long at least as that we may produce by it
 ‘ the ends intended, and distress our enemies
 ‘ more than ourselves; that we may secure plenty
 ‘ at home, without the destruction of our distant
 ‘ colonies, and without obliging part of our
 ‘ fellow-subjects to desert to the *Spaniards* for
 ‘ want of bread.’

Then *William Bowles*, Esq; spoke in this manner :

‘ Mr. Speaker,

‘ Sir, The necessity of excepting rice from the *Mr. Bowles's*
 ‘ general prohibition is not only sufficiently ^{speech.}
 ‘ evinced by the agent of *South Carolina*, but con-
 ‘ firmed beyond controversy or doubt by the pe-
 ‘ tition of the merchants of *Bristol*, of which the
 ‘ justice and reasonableness appears at the first
 ‘ view to every man acquainted with the nature
 ‘ of commerce.

‘ How much, the province of *South Carolina*
 ‘ will be distressed by his prohibition, how sud-
 ‘ denly the whole trade of that country will be
 ‘ at a stand, and how immediately the want of
 ‘ many of the necessaries of life will be felt over
 ‘ a very considerable part of the *British* domi-
 ‘ nions, has already, Sir, been very pathetically
 ‘ represented, and very clearly explained, nor
 ‘ does there need any other argument to persuade
 ‘ us to allow the exportation of rice.

‘ But, from the petition of the merchants of
 ‘ *Bristol* it appears, that there are other reasons of
 ‘ equal force for this indulgence, and that our
 ‘ regard for the inhabitants of that particular
 ‘ province, however necessary and just, is not the
 ‘ only motive for complying with their request.

‘ It is shewn, Sir, in this petition, that the
 ‘ prohibition of rice will very little incommode
 ‘ our enemies, or retard their preparations; for

‘ they are not accustomed to be supplied with it
 ‘ from our plantations. We ought, therefore,
 ‘ not to load our fellow-subjects with embaras-
 ‘ ments and inconveniencies, which will not in
 ‘ any degree extend to our enemies.

‘ It appears, Sir, not only that a very impor-
 ‘ tant part of our commerce will be obstructed,
 ‘ but that it will probably be lost beyond reco-
 ‘ very; for, as only a small quantity of the rice
 ‘ of *Carolina* is consumed at home, and the rest
 ‘ is carried to other countries, it is easy to con-
 ‘ ceive, that those who shall be disappointed by
 ‘ our merchants, will procure so necessary a com-
 ‘ modity from other places, as there are many
 ‘ from which it may be easily purchased; and it
 ‘ is well known that trade, if it be once diverted,
 ‘ is not to be recalled, and therefore that trade
 ‘ which may be without difficulty transferred,
 ‘ ought never to be interrupted without the most
 ‘ urgent necessity.

‘ To prove, Sir, that there is now no such
 ‘ necessity, by a long train of arguments, would
 ‘ be superfluous, for it has been shewn already,
 ‘ that our enemies will not suffer by the prohibi-
 ‘ tion, and the miseries that inevitably arise from
 ‘ a state of war, are too numerous and oppres-
 ‘ sive, to admit of any increase or aggravation
 ‘ upon trivial motives.

‘ The province of *Carolina*, Sir, has already
 ‘ suffered the inconveniencies of this war beyond
 ‘ any other part of his Majesty’s dominions, as
 ‘ it is situate upon the borders of the *Spanish* do-
 ‘ minions, and as it is weak by the paucity of
 ‘ the inhabitants in proportion to its extent. Let
 ‘ us therefore pay a particular regard to this pe-
 ‘ tition, lest we aggravate the terror which the
 ‘ neighbourhood of a powerful enemy naturally
 ‘ produces, by the severer miseries of poverty
 ‘ and famine.’

Sir

Sir Robert Walpole spoke next in substance as follows :

‘ Mr. Speaker,

‘ Sir, Nothing is more absurd than for those
‘ who declare on all occasions, with great solemnity, their sincere zeal for the service of the publick, to protract the debates of this house by personal invectives, and delay the prosecution of the business of the nation, by trivial objections, repeated after confutation, and perhaps after conviction of their invalidity.

Sir Robert
Walpole's
speech.

‘ I need not observe how much time would be spared, and how much the dispatch of affairs would be facilitated by the suppression of this practice, a practice by which truth is levelled with falshood, and knowledge with ignorance ; since if scurrility and merriment are to determine us, it is not necessary either to be honest or wise to obtain the superiority in any debate, it will only be necessary to rail and to laugh, which one man may generally perform with as much success as another.

‘ The embargo in *Ireland* was an expedient so necessary and timely, that the reputation of it is thought too great to be allowed to the administration, of whom it has been for many years the hard fate, to hear their actions censured only because they were not the actions of others, and to be represented as traitors to their country for doing always what they thought best themselves, and perhaps sometimes what was in reality approved by those who opposed them.

‘ This, Sir, they have born without much uneasiness, and have contented themselves with the consciousness of doing right, in expectation that truth and integrity must at last prevail, and that the prudence of their conduct and suc-

‘ cess of their measures would at last evince the
 ‘ justice of their intentions.

‘ They hoped, Sir, that there would be some
 ‘ occasions, on which their enemies would deny
 ‘ the expedience of their counsels, and did not
 ‘ expect that, after having been so long accused
 ‘ of engrossing exorbitant power, of rejecting
 ‘ advice, and pursuing their own schemes with
 ‘ the most invincible obstinacy, they should be
 ‘ supposed on a sudden to have laid aside their
 ‘ arrogance, to have descended to adopt the opi-
 ‘ nions, and give themselves up to the direction
 ‘ of others, only because no objection could be
 ‘ made to this instance of their conduct.

‘ How unhappy, Sir, must be the state of that
 ‘ man, who is only allowed to be a free agent,
 ‘ when he acts wrong, and whose motions, when-
 ‘ ever they tend to the proper point, are supposed
 ‘ to be regulated by another!

‘ Whether such capricious censurers expect that
 ‘ any regard should be paid by the publick to
 ‘ their invectives, I am not able to determine,
 ‘ but I am inclined to think so well of their un-
 ‘ derstandings, as to believe that they intend only
 ‘ to amuse themselves, and perplex those whom
 ‘ they profess to oppose. In one part of their
 ‘ scheme I know not but they may have suc-
 ‘ ceeded, but in the other it is evident how ge-
 ‘ nerally they have failed. It must at least, Sir,
 ‘ be observed of these great patrons of the peo-
 ‘ ple, that if they expect to gain them by artifi-
 ‘ ces like this, they have no high opinion of their
 ‘ discernment, however they may sometimes
 ‘ magnify it, as the last appeal, and highest tri-
 ‘ bunal.

‘ With regard, Sir, to the manner in which
 ‘ the embargo was laid, and the expedients made
 ‘ use of to inforce the observation of it, they
 ‘ were

‘ were not the effects of a sudden resolution, but
‘ of long and deliberate reflection, assisted by the
‘ counsels of the most experienced and judicious
‘ persons of both nations, so that if any mistake
‘ was committed, it proceeded not from arro-
‘ gance or carelesness, but a compliance with
‘ reasons, that if laid before the house, would,
‘ whether just or not, be allowed to be specious.

‘ But, Sir, it has not appeared that any impro-
‘ per measures have been pursued, or that any
‘ inconveniencies have arisen from them, which it
‘ was possible to have avoided by a different con-
‘ duct; for when any expedient fails of produ-
‘ cing the end for which it was proposed, or
‘ gives occasion to inconveniencies which were
‘ neither expected nor designed, it is not imme-
‘ diately to be condemned; for it might fail from
‘ such obstacles as nothing could surmount, and
‘ the inconveniencies which are complained of
‘ might be the consequences of other causes act-
‘ ing at the same time, or co-operating, not by
‘ the nature of things, but by the practices of
‘ those who prefer their own interest to that of
‘ their country.

‘ But though it is, in my opinion, easy to
‘ defend the conduct of the ministry, I am far
‘ from thinking this a proper time to engage in
‘ their vindication. The important business be-
‘ fore us must now wholly engage us, nor ought
‘ we to employ our attention upon the past, but
‘ the future. Whatever has been the ignorance
‘ or knowledge, whatever the corruption or in-
‘ tegrity of the ministry, this bill is equally use-
‘ ful, equally necessary. The question is now
‘ concerning an act of Parliament, not of the
‘ ministry, and the bill may proceed without ob-
‘ structing future examinations.

‘ If the bill, Sir, now before us be so far ap-
‘ proved as to be conceived of any real benefit

‘ to the nation, if it can at all contribute to the
 ‘ distress or disappointment of our enemies, or
 ‘ the prevention of those domestick disturbances
 ‘ which are naturally produced by scarcity and
 ‘ misery, there is no need of arguments to evince
 ‘ the necessity of dispatch in passing it. For if
 ‘ these effects are to be produced by preventing
 ‘ the exportation of provisions, and a law is ne-
 ‘ cessary for that purpose, it is certain that the
 ‘ law must be enacted, while our provisions are
 ‘ yet in our own hands, and before time has been
 ‘ given for the execution of those contracts which
 ‘ are already made.

‘ That contracts, Sir, are enter’d into for quan-
 ‘ tities that justly claim the care of the legislative
 ‘ power, I have been informed by such intelli-
 ‘ gence as I cannot suspect of deceiving me.
 ‘ In one small town in the western part of this
 ‘ kingdom fifty thousand barrels of corn are sold
 ‘ by contract, and will be exported, if time be
 ‘ allow’d for collecting and for shipping them.

‘ A few contracts like this will be sufficient
 ‘ to store an army with bread, or to furnish ga-
 ‘ risons against the danger of a siege; a few con-
 ‘ tracts like this will produce a considerable
 ‘ change in the price of provisions, and plunge
 ‘ innumerable families into distress, who might
 ‘ struggle through the present difficulties, which
 ‘ unsuccessful harvests have brought upon the na-
 ‘ tion, had we not sold the gifts of providence
 ‘ for petty gain, and supported our enemies with
 ‘ those provisions which were barely sufficient
 ‘ for our own consumption.

‘ I have not heard many objections made
 ‘ against the intention of the bill, and those
 ‘ which were offer’d, were mention’d with such
 ‘ diffidence and uncertainty as plainly shewed,
 ‘ that even in the opinion of him that propos’d
 ‘ them, they were of little weight; and I be-
 ‘ lieve

‘ lieve they had no greater effect upon those that
 ‘ heard them. It may therefore be reasonably sup-
 ‘ posed that the propriety of a law to prevent
 ‘ the exportation of victuals is admitted, and
 ‘ surely it can be no question, whether it ought
 ‘ to be pressed forward, or to be delayed till it
 ‘ will be of no effect.’

Nicholas Fazakerley, Esq; spoke next to this effect :

‘ Sir, as the bill now under our consideration Mr. Fa-
 ‘ is entangled with a multitude of circumstances zakerley's
 ‘ too important to be passed by without considera- speech.
 ‘ tion, and too numerous to be speedily examin’d;
 ‘ as its effects, whether salutary or pernicious,
 ‘ must extend to many nations, and be felt in a
 ‘ few weeks to the remotest parts of the domi-
 ‘ nions of *Great Britain*, I cannot but think, that
 ‘ they who so much press for expedition on this
 ‘ occasion, consult rather their passions than
 ‘ their reason, that they discover rather enthu-
 ‘ siasm than zeal, and that by imagining that
 ‘ they have already traced the effects of a law
 ‘ like this to their utmost extent, they discover
 ‘ rather an immoderate confidence in their own
 ‘ capacity, than give any proofs of that anxious
 ‘ caution, and deliberate prudence, which true
 ‘ patriotism generally produces.

‘ There is another method, Sir, of proceeding
 ‘ more proper on this occasion, which has been
 ‘ already pointed out in this debate, a method of
 ‘ exerting the prerogative in a manner allowed
 ‘ by law, and establish’d by immemorial prece-
 ‘ dents, and which may therefore be revived with-
 ‘ out affording any room for jealousy or com-
 ‘ plaints.

‘ An embargo imposed only by the preroga-
 ‘ tive may be relaxed or enforced as occasion may
 ‘ require, or regulated according to the necessity

‘ arising from particular circumstances; circumstances in themselves variable, and subject to the influence of a thousand accidents, and which therefore cannot be always foreseen, or provided by a law positive and fixed.

‘ Let us not subject the commonwealth to a hazardous and uncertain security, while we have in our hands the means of producing the same end, with less danger and inconveniency; and since we may obviate the exportation of our corn, by methods more speedily efficacious than the forms of making laws can allow, let us not oppress our fellow subjects by hasty or imprudent measures, but make use of temporary expedients, while we deliberate upon the establishment of a more lasting regulation’

Then *Alexander Hume Campbell*, Esq; spoke to the following purpose:

Mr. Campbell's speech.

‘ Sir, that an embargo on merchandize or provisions, may upon certain emergencies or important occasions be imposed by the prerogative, cannot be doubted by any man whose studies have made him acquainted with the extent of the regal power, and the manner in which it has been exerted in all ages: The chief use of the prerogative is to supply the defects of the laws, in cases which do not admit of long consultations, which do not allow time to convoke Parliaments, or inquire into the sentiments of the people.

‘ For this reason, in times of war the power of the crown is much enlarged, and has still a greater extent as exigencies are more pressing. If the nation is invaded by a foreign force, the authority of the crown is almost without limits, the whole nation is consider'd as an army, of which the King is General, and which he then governs

‘ verns by martial laws, by occasional judicature,
‘ and extemporary decrees.

‘ Such, Sir, is the power of the crown on particular emergencies, and such power the nature
‘ of human affairs must sometimes require, for all
‘ forms of government are intended for common good, and calculated for the establish’d
‘ condition of mankind, but must be suspended
‘ when they can only obstruct the purposes for
‘ which they were contrived, and must vary with
‘ the circumstances to which they were adapted.
‘ To expect that the people shall be consulted in
‘ questions on which their happiness depends,
‘ supposes there is an opportunity of consulting
‘ them without hazarding their lives, their freedom, or their possessions, by the forms of deliberation.

‘ The necessity of extending the prerogative
‘ to the extremities of power, is, I hope, at a
‘ very great distance from us; but if the danger of
‘ the exportation of victuals be so urgent as some
‘ gentlemen have represented it, and so formidable as it appears to the whole nation, it is
‘ surely requisite that the latent powers of the
‘ crown should be called forth for our protection,
‘ that plenty be secured within the nation by
‘ barring up our ports, and the people hinder’d
‘ from betraying themselves to their enemies,
‘ and squandering those blessings which the fertility of our soil has bestowed upon them.’

Sir Robert Walpole replied in the following manner :

‘ Sir, it is founusual among the gentlemen who
‘ have opposed my opinion to recommend an exertion of the regal authority, or willingly to intrust any power to the administration, that tho’
‘ they have on this occasion expressed their sentiments without any ambiguity of language, or
‘ per-

Sir Robert
Walpole's
reply.

‘ perplexity of ideas, I am in doubt whether I
 ‘ do not mistake their meaning, and cannot,
 ‘ without hesitation and uncertainty, propose the
 ‘ motion to which all their arguments seem ne-
 ‘ cessarily to conduct me, arguments of which I
 ‘ do not deny the force, and which I shall not
 ‘ attempt to invalidate by slight objections, when
 ‘ I am convinced in general of their reasonable-
 ‘ ness and truth.

‘ The necessity of that dispatch which I have
 ‘ endeavour’d to recommend is not only univer-
 ‘ sally admitted, but affirmed to be so pressing,
 ‘ that it cannot wait for the solemnity of debates,
 ‘ or the common forms of passing laws. The dan-
 ‘ ger, which is every moment increasing, requires,
 ‘ in the opinion of these gentlemen, to be obvia-
 ‘ ted by extraordinary measures, and that pernicious
 ‘ commerce, which threatens the distress of
 ‘ the community, is to be restrained by an im-
 ‘ mediate act of the prerogative.

‘ If this be the opinion of the house, it will
 ‘ be necessary to lay it before his Majesty by a
 ‘ regular address, that the nation may be con-
 ‘ vinced of the necessity of such extraordinary
 ‘ precautions, and that the embargo may be im-
 ‘ posed, at once with the expedition peculiar to
 ‘ despotick power, and the authority which can
 ‘ be conferr’d only by sanction of Parliament.

‘ Whether this is the intention of the mem-
 ‘ bers, from whose declarations I have deduced it,
 ‘ can only be discover’d by themselves, who, if
 ‘ they have any other scheme in view, must ex-
 ‘ plain it in clearer terms, that the house may
 ‘ deliberate upon it, and reject or adopt it, ac-
 ‘ cording to its conformity to the laws of our
 ‘ country, and the present state of our affairs.’

Then *William Pulteney*, Esq; spoke thus :

Mr. Pulteney's speech.

‘ Sir, whatever may be the meaning of other
 ‘ gen-

‘ gentlemen, who must undoubtedly be left at full
 ‘ liberty to explain their own expressions, I will
 ‘ freely declare, that I am sufficiently understood
 ‘ by the right honourable gentleman, and that, in
 ‘ my opinion, no remedy can be applied to the
 ‘ present distemper of the nation, a distemper by
 ‘ which it is hourly pining away, by which its vi-
 ‘ tals are impaired, and the necessary nourish-
 ‘ ment withdrawn from it, that will operate with
 ‘ sufficient efficacy and speed, except an embargo
 ‘ be imposed by the prerogative.

‘ That this opinion, if receiv’d by the house,
 ‘ must be the subject of an address, is in itself mani-
 ‘ fest, and the reason for which an embargo is re-
 ‘ quir’d, proves that an address ought not to be
 ‘ delay’d.

‘ I cannot omit this opportunity of remarking,
 ‘ how plainly it must now appear that many of
 ‘ us have been unjustly charged with obstruct-
 ‘ ing the progress of the bill for pernicious pur-
 ‘ poses, with views of raising discontents in the
 ‘ nation, of exposing the administration to pub-
 ‘ lick hatred, of obstructing the measures of the
 ‘ government, or hindering the success of the
 ‘ war, when we have receded from our general
 ‘ principles, and suspended the influence of our
 ‘ establish’d maxims for the sake of facilitating
 ‘ an expedient which may promote the general
 ‘ advantage, by recommending his Majesty to
 ‘ the affections of his people.’

Henry Pelham, Esq; here replied to this effect.

‘ Sir, I am far from blaming any gentleman for
 ‘ asserting, on all occasions, the integrity of his
 ‘ designs, or disapplying the reasonableness of his
 ‘ conduct; and of what I do not disapprove, I
 ‘ shall not decline the imitation.

*Mr. Pel-
ham's
reply.*

‘ It is not uncommon in the heat of opposi-
 ‘ tion, while each man is convinced of his own
 ‘ honesty,

‘ honesty, and strongly persuaded of the truth of
 ‘ his own positions, to hear each party accused
 ‘ by the other of designs detrimental to the pub-
 ‘ lick interest, of protracting debates by artful de-
 ‘ lays, of struggling against their own conviction,
 ‘ and of obscuring known truth by objections,
 ‘ which discover themselves to be without force.
 ‘ These accusations, which are on both sides
 ‘ frequent, are, I hope, on both sides generally
 ‘ false; at least it must appear on this occasion,
 ‘ that those who press the bill, had no views of
 ‘ strengthening their party by a victory, of wea-
 ‘ rying their opponents by obstinacy, or of pro-
 ‘ moting any private purposes by a new law;
 ‘ since an expedient, by which time may be gain-
 ‘ ed, and the avowed end of hastening this ne-
 ‘ cessary bill secured, is no sooner proposed on one
 ‘ part, than received on the other.’

House of
 Commons
 address his
 Majesty to
 order an em-
 bargo upon
 all ships la-
 den with
 corn, &c.

In pursuance of what had been suggested in this debate, after the question for committing was agreed to, *Thomas Clutterbuck*, Esq; stood up, and moved, ‘ That an humble address should be pre-
 ‘ sented to his Majesty, that he would be graci-
 ‘ ously pleased to order an embargo to be forth-
 ‘ with laid upon all ships laden, or to be laden
 ‘ with corn, grain, starch, rice, beef, pork, and
 ‘ other provisions of victuals, to be exported to
 ‘ foreign parts.’ Which motion was agreed to *nem. con.* and the address being presented, an embargo was accordingly laid by his Majesty.

They ad-
 dress again
 to have the
 embargo ta-
 ken off with
 regard to rice
 and fish.

On *December 5*, the house, according to order, resolved itself into a committee of the whole house upon the said bill, when they made some progress, and upon the 9th, as also upon the 15th, 16th and 17th, they resolved themselves again into the said committee, in which the petitioners were heard by themselves, and many witnesses examined,

amined, which produced several alterations in the bill; and upon the 5th, prevailed with the house to agree to a motion made by *Samuel Sandys, Esq;*
 ‘ That an humble address should be presented to
 ‘ his Majesty, that he would be graciously pleased
 ‘ to give directions, that the embargo upon ships
 ‘ laden, or to be laden with rice or fish to be ex-
 ‘ ported to foreign parts, should be forthwith ta-
 ‘ ken off;’ which address being presented, the em-
 bargo was accordingly taken off of these commo-
 dities, in about ten days after it had been laid on.

As the day upon which the law was to begin
 to be in force, was to be filled up in the commit-
 tee, and as this blank came in course to be filled
 up upon the 15th, it was proposed to fill up this
 blank with the 9th, so that the law was to begin
 to be in force before the bill had passed through
 the committee, and before most people in the
 kingdom could have information, that such a law
 was designed, upon which *Alexander Hume Camp-
 bell, Esq;* stood up, and spoke as follows.

Debate
 about the
 day when
 the law was
 to begin to
 be in force.

‘ Mr. Speaker,

‘ Sir, That the laws may be observed by the
 ‘ nation without daily violence and perpetual
 ‘ compulsion, that our determinations may be re-
 ‘ ceived with reverence, and the regulations which
 ‘ we establish, confirmed by the concurrence of
 ‘ our constituents, it is necessary that we endea-
 ‘ vour to preserve their esteem, and convince
 ‘ them that the publick prosperity may be safely
 ‘ trusted in our hands.

Mr. Camp-
 bell's speech.

‘ This confidence is to be gained as well in high
 ‘ stations, as in lower conditions, by large assem-
 ‘ blies as by individuals, only by a constant prac-
 ‘ tice of justice, and frequent exertion of superior
 ‘ wisdom. When any man finds his friend op-
 ‘ pressive and malicious, he naturally withdraws
 ‘ his

‘ his affections from him ; when he observes him
 ‘ advancing absurd opinions, and adhering to
 ‘ them with obstinacy incapable of conviction, he
 ‘ falls unavoidably into a distrust of his under-
 ‘ standing, and no longer pays any deference to
 ‘ his advice, or considers his conduct as worthy
 ‘ of imitation.

‘ In the same manner, Sir, if the legislative
 ‘ powers shall in making laws discover, that they
 ‘ regard any motives before the advantage of their
 ‘ country, or that they pursue the publick good
 ‘ by measures inadequate and ill-concerted, what
 ‘ can be expected from the people, but that they
 ‘ should set up their own judgment in opposition
 ‘ to that of their governors, make themselves the
 ‘ arbiters in all doubtful questions, and obey or
 ‘ disregard the laws at discretion ?

‘ If this danger may arise from laws injudici-
 ‘ ously drawn up, it may surely be apprehended
 ‘ from a compliance with this proposal ; a propo-
 ‘ sal that the operation of the law should com-
 ‘ mence eleven days before the law itself is in be-
 ‘ ing. I have hitherto, Sir, regarded it as a prin-
 ‘ ciple equally true in politicks as in philosophy,
 ‘ that nothing can act, when it does not exist ;
 ‘ and I did not suspect, that a position so evident
 ‘ would ever stand in need of a proof or illustra-
 ‘ tion. We live indeed in an age of paradoxes,
 ‘ and have heard several notions seriously defend-
 ‘ ed, of which some would, not many years ago,
 ‘ have condemned their abetter to a prison or a
 ‘ mad-house, and would have been heard by the
 ‘ wisest of our ancestors with laughter or detesta-
 ‘ tion ; but I did not expect, that the most hardy
 ‘ innovator would have shock’d my understanding
 ‘ with a position like this, or have asserted, that a
 ‘ law may operate before it is made, or before it
 ‘ is projected.

‘ That

‘ That where there is no law, there is no transgression, is a maxim not only established by universal consent, but in itself evident and undeniable, and it is, Sir, surely no less certain, that where there is no transgression, there can be no punishment. If a man may be punished, Sir, by a law made after the fact, how can any man conclude himself secure from the jail or the gibbet? A man may easily find means of being certain, that he has offended no law in being, but that will afford no great satisfaction to a mind naturally timorous; since a law hereafter to be made may, if this motion be supposed reasonable, take cognizance of his actions, and how he can know whether he has been equally scrupulous to observe the future acts of future Parliaments, he will find it very difficult to determine.’

Then *Henry Pelham, Esq;* rose and spoke thus.

‘ Sir, Notwithstanding the absurdity which the honourable gentleman imagines himself to have discovered in this proposal, and which he must be confessed to have placed in a very strong light, I am of opinion, that it may with very little consideration be reconciled to reason and to justice, and that the wit and satire that have been so liberally employed, will appear to have been lost in the air, without use and without injury. The operation of the law may very properly commence from the day on which the embargo was laid by his Majesty’s proclamation, which surely was not issued to no purpose, and which ought not to be disobeyed without punishment.’

Mr. Pelham's speech.

Sir *John Barnard* spoke next to this effect.

‘ Sir, I cannot but be somewhat surprised, that a gentleman so long conversant in national affairs,

Sir John Barnard's speech.

' fairs, should not yet have heard or known the
 ' difference between a proclamation and a penal
 ' law. By a proclamation his Majesty may pre-
 ' vent in some cases, what he cannot punish, he
 ' may hinder the exportation of our corn by or-
 ' dering ships to be stationed at the entrance of
 ' our harbours; but if any should escape with
 ' prohibited cargoes, he can inflict no penalties
 ' upon them at their return. To inforce this pro-
 ' hibition by the sanction of punishments, is the
 ' intention of the present bill; but a proclamation
 ' can make nothing criminal, and it is unjust and
 ' absurd to punish an action, which was legal
 ' when it was done. The law ought, Sir, in
 ' my opinion, not to commence, till time is al-
 ' lowed for dispersing it to the utmost limits of
 ' this island; for as it is unreasonable to punish
 ' without law, it is not more equitable to punish
 ' by a law, of which they who have unhappily
 ' broken it, could have no intelligence.'

Upon this, the day first proposed was given up
 by those that proposed it, and the blank was filled
 up with the 25th of *December* 1740, for *Britain*,
 the 10th of *January* for *Ireland*, and the 25th of
March 1741, for *America*, &c.

Debate in
 the house of
 Lords upon
 the method
 of augment-
 ing the army.
 Duke of
 Argyll's
 speech.

December 9, the Duke of *Argyll* stood up in the
 house of Lords, and spoke to the following effect.

' My Lords,

' As the present situation of our affairs may re-
 ' quire an augmentation of our forces, and, as the
 ' success of our arms and the preservation of our
 ' liberties may equally depend upon the manner
 ' in which the new forces shall be raised, there is,
 ' in my opinion, no question more worthy the
 ' attention of this august assembly, than what may
 ' be the most proper method of increasing our
 ' army.

' On

‘ On this question, my Lords, I shall offer my
 ‘ own sentiments with greater confidence, as there
 ‘ are few men who have had more opportunities
 ‘ of being acquainted with it in its whole extent,
 ‘ as I have spent great part of my life in the field
 ‘ and the camp. I commanded a regiment under
 ‘ King *William*, and have long been either the
 ‘ first, or almost the first man in the army.

‘ I hope, my Lords, it will be allowed without
 ‘ difficulty, that I have at least been educated in
 ‘ the best school of war, and that nothing but
 ‘ natural incapacity can have hindered me from
 ‘ making some useful observations upon the disci-
 ‘ pline and government of armies, and the advan-
 ‘ tages and inconveniences of the various plans
 ‘ upon which other nations regulate their forces.

‘ I have always maintained, my Lords, that it
 ‘ is necessary in the present state of the neighbour-
 ‘ ing countries to keep up a body of regular
 ‘ troops, that we may not be less able to defend
 ‘ ourselves, than our enemies to attack us.

‘ It is well known, my Lords, that states must
 ‘ secure themselves by different means, as they are
 ‘ threatened by dangers of different kinds: Policy
 ‘ must be opposed by policy, and force by force;
 ‘ our fleets must be increased when our neighbours
 ‘ grow formidable by their naval power, and ar-
 ‘ mies must be maintained at a time like this, in
 ‘ which every Prince on the continent estimates
 ‘ his greatness by the number of his troops.

‘ But an army, my Lords, as it is to be admit-
 ‘ ted only for the security of the nation, is to be
 ‘ so regulated, that it may produce the end for
 ‘ which it is established; that it may be useful
 ‘ without danger, and protect the people without
 ‘ oppressing them.

‘ To this purpose, my Lords, it is indispensably
 ‘ necessary, that the military subordination be in-
 ‘ violably preserved, and that discipline be indis-

‘ criminally exercised without any partial indulgence, or malicious severities; that every man be promoted according to his desert, and that military merit alone give any pretensions to military preferments.

‘ To make the army yet more useful, it ought to be under the sole command of one man, exalted to the important trust by his known skill, courage, justice, and fidelity, and uncontrouled in the administration of his province by any other authority; a man enabled by his experience to distinguish the deserving, and invested with power to reward them.

‘ Thus, my Lords, ought an army to be regulated, to which the defence of a nation is entrusted, nor can any other scheme be formed which will not expose the publick to dangers more formidable than revolutions or invasions. And yet, my Lords, how widely those who have assumed the direction of affairs have deviated from this method, is well known. It is known equally to the highest and meanest officers, that those who have most opportunities of observing military merit, have no power of rewarding it; and therefore every man endeavours to obtain other recommendations than those of his superiors in the army, and to distinguish himself by other services than attention to his duty, and obedience to his commanders.

‘ Our Generals, my Lords, are only Colonels with a higher title, without power, and without command; they can neither make themselves loved nor feared in their troops, nor have either reward or punishment in their power. What discipline, my Lords, can be established by men, whom those who sometimes act the farce of obedience, know to be only phantoms of authority, and to be restrained by an arbitrary minister from the exercise of those commissions which they

‘ they are invested with? And what is an army
 ‘ without discipline, subordination and obedience?
 ‘ What, but a rabble of licentious vagrants, set
 ‘ free from the common restraints of decency, ex-
 ‘ empted from the necessity of labour, betrayed
 ‘ by idleness to debauchery, and let loose to prey
 ‘ upon the people? Such a herd can only awe the
 ‘ villages, and bluster in the streets, but can never
 ‘ be able to oppose an enemy, or defend the na-
 ‘ tion by which they are supported.

‘ They may, indeed, form a camp upon some
 ‘ of the neighbouring heaths, or pass in review
 ‘ with tolerable regularity; they may sometimes
 ‘ seize a smuggler, and sometimes assist a constable
 ‘ with vigour and success. But unhappy would
 ‘ be the people, who had no other force to oppose
 ‘ against an army habituated to discipline, of
 ‘ which every one founds his hopes of honour
 ‘ and reward upon the approbation of the com-
 ‘ mander.

‘ That no man will labour to no purpose, or
 ‘ undergo the fatigue of military vigilance, with-
 ‘ out an adequate motive; that no man will en-
 ‘ deavour to learn superfluous duties, and neglect
 ‘ the easiest road to honour and to wealth, merely
 ‘ for the sake of encountering difficulties, is easily
 ‘ to be imagined. And therefore, my Lords, it
 ‘ cannot be conceived, that any man in the army
 ‘ will very solicitously apply himself to the duties
 ‘ of his profession, of which, when he has learned
 ‘ them, the most accurate practice will avail him
 ‘ nothing, and on which he must lose that time
 ‘ which might have been employed in gaining an
 ‘ interest in a borough, or in forming an alliance
 ‘ with some speaker in Parliament.

‘ For nothing, my Lords, is now considered
 ‘ but parliamentary interest, nor is any subordi-
 ‘ nation desired but in the supreme council of
 ‘ the nation. For the establishment of this new

‘ regulation the honours of every profession are
 ‘ prostituted, and every commission is become
 ‘ merely nominal. To gratify the leaders of the
 ‘ ministerial party, the most despicable triflers are
 ‘ exalted to an authority, and those whose want
 ‘ of understanding excludes them from any other
 ‘ employment, are selected for military commis-
 ‘ sions.

‘ No sooner have they taken possession of their
 ‘ new command, and gratified with some act of
 ‘ oppression, the wantonness of new authority,
 ‘ but they desert their charge with the formality
 ‘ of demanding a permission to be absent, which
 ‘ their commander dares not deny them. Thus,
 ‘ my Lords, they leave the care of the troops,
 ‘ and the study of the rules of war, to those un-
 ‘ happy men, who have no other claim to eleva-
 ‘ tion than knowledge and bravery, and who, for
 ‘ want of relations in Parliament, are condemned
 ‘ to linger out their lives at their quarters, amuse
 ‘ themselves with recounting their actions and suf-
 ‘ ferings in former wars, and with reading in the
 ‘ papers of every post, the commissions which are
 ‘ bestowed on those who never saw a battle.

‘ For this reason, my Lords, preferments in
 ‘ the army, instead of being considered as proofs
 ‘ of merit, are look’d on only as badges of de-
 ‘ pendence; nor can any thing be inferred from
 ‘ the promotion of an officer, but that he is in
 ‘ some degree or other allied to some member of
 ‘ Parliament, or the leading voters of a borough.

‘ After this manner, my Lords, has the army
 ‘ been modelled, and on these principles has it
 ‘ subsisted for the last and the present reign; nei-
 ‘ ther myself, nor any other General Officer, have
 ‘ been consulted in the distribution of commands,
 ‘ or any part of military regulations. Our armies
 ‘ have known no other power than that of the
 ‘ secretary of war, who directs all their motions,

‘ and

‘ and fills up every vacancy without opposition,
‘ and without appeal.

‘ But never, my Lords, was his power more
‘ conspicuous than in raising the levies of last
‘ year; never was any authority more despotically
‘ exerted, or more tamely submitted to; never
‘ did any man more wantonly sport with his com-
‘ mand, or more capriciously dispose of posts and
‘ preferments; never did any tyrant appear to set
‘ censure more openly at defiance, treat murmurs
‘ and remonstrances with greater contempt, or
‘ with more confidence and security distribute
‘ posts among his slaves, without any other reason
‘ of preference than his own uncontrollable plea-
‘ sure.

‘ And surely no man, my Lords, could have
‘ made choice of such wretches for military com-
‘ mands, but to shew that nothing but his own
‘ private inclinations should influence his conduct,
‘ and that he considered himself as supreme and
‘ unaccountable: For we have seen, my Lords,
‘ the same animals to-day cringing behind a coun-
‘ ter, and to-morrow swelling in a military dress;
‘ we have seen boys sent from school in despair of
‘ improvement, and entrusted with military com-
‘ mand; fools that cannot learn their duty, and
‘ children that cannot perform it, have been indis-
‘ criminate promoted; the dross of the nation
‘ has been swept together to compose our new
‘ forces, and every man who was too stupid or
‘ infamous to learn or carry on a trade, has been
‘ placed by this great disposer of honours above
‘ the necessity of application, or the reach of cen-
‘ sure.

‘ Did not sometimes indignation, and some-
‘ times pity, check the sallies of mirth, it would
‘ not be a disagreeable entertainment, my Lords,
‘ to observe, in the *Park*, the various appearances
‘ of these raw commanders, when they are ex-

‘ posing their new scarlet to view, and strutting
 ‘ with the first raptures of sudden elevation; to
 ‘ see the mechanick new modelling his mien, and
 ‘ the stripling tottering beneath the weight of his
 ‘ cockade; or to hear the conversation of these
 ‘ new adventurers, and the instructive dialogues
 ‘ of school-boys and shop-keepers.

‘ I take this opportunity, my Lords, of clearing
 ‘ myself from any suspicion of having contributed
 ‘ by my advice to this stupendous collection.
 ‘ I only once interposed with the recommendation
 ‘ of a young gentleman, who had learned his profession
 ‘ in two campaigns among the *Muscovites*,
 ‘ and whom yet neither his own desert, nor my
 ‘ patronage, could advance to a commission. And,
 ‘ I believe, my Lords, all the other General Officers
 ‘ were equally unconsulted, and would if
 ‘ their advice had been asked, equally have disapproved
 ‘ the measures that have been pursued.

‘ But thus, my Lords, were our new regiments
 ‘ compleated, in which, of two hundred and fifty
 ‘ officers who have subsisted upon half-pay, only
 ‘ thirty-six have been promoted, tho’ surely they
 ‘ might have pleaded a juster claim to employment
 ‘ who had learned their profession in the service
 ‘ of their country, and had long languished in
 ‘ penury, than those who had neither knowledge
 ‘ nor capacity, who had neither acted nor suffer’d
 ‘ any thing, and who might have been destin’d
 ‘ to the hammer or the plough, without any
 ‘ reputation to their families, or disappointment
 ‘ to themselves.

‘ I have been told, indeed, my Lords, that to
 ‘ some of these officers commissions were offer’d,
 ‘ which they refused, and for this refusal every
 ‘ reason is alledged but the true; some, indeed,
 ‘ excused themselves as disabled by age and infirmities
 ‘ from military service; nor can any objection
 ‘ be made to so just a plea. For how
 ‘ could

‘ could those be refused in their age the comforts of ease and repose, who have served their country with their youth and vigor ?

‘ Others there are, my Lords, who refused commissions upon motives very different, in which, nevertheless, some justice cannot be denied. They who had long studied and long practised their profession; they, who had tried their courage in the breach, and given proofs of their skill in the face of the enemy, refused to obey the command of novices, of tradesmen, and of school-boys: They imagined, my Lords, that they ought to govern those whom they should be obliged to instruct, and to lead those troops whom they must range in order. But they had forgot that they had out-liv’d the time when a soldier was formed by study and experience, and had not heard in their retreats, that a colonel or a captain was now formed in a day; and therefore, when they saw and heard their new commanders, they retired back to their half-pay, with surprise and indignation.

‘ But, my Lords, the follies of last year cannot be easily rectified, and are only now to be exposed, that they may not be repeated. If we are now to make new levies, and increase the number of our land-forces, it is, in my opinion, incumbent upon us to consider by what methods we may best augment our troops, and how we may be able to resist our foreign enemies, without exposing the nation to intestine miseries, and leaving our liberties at the mercy of the court.

‘ There are, my Lords, two methods of increasing our forces; the first is, that of raising new regiments, the other, of adding new men to those which already subsist.

‘ By raising new regiments, my Lords, we shall only gratify the minister with the dis-

‘tribution of new commissions, and the establishment of new dependents; we shall enlarge the influence of the court, and increase the charge of the nation, which is already loaded with too many taxes to support any unnecessary expence.

‘By the other method, of adding a hundred men to every company, we shall not only save the pay of the officers, which is no slight consideration, but what seems, if the report raised by the ministry of our present danger be true, of far more importance, shall form the new forces with more expedition into regular troops; for, by distributing them among those who are already instructed in their duty, we shall give them an opportunity of hourly improvement, every man’s comrade will be his master, and every one will be ambitious of forming himself by the example of those who have been in the army longer than themselves.

‘If it be objected, my Lords, that the number of officers will not then bear a just proportion to that of the soldiers, it may be answer’d, that the foreign troops of the greatest reputation have no greater number of officers, as every one must know who is acquainted with the constitution of the most formidable armies of *Europe*. Those of *Prussia*, or of the various states by which we were assisted in the late war, either as confederates or mercenaries, have but few officers. And I very well remember, my Lords, that whenever they were joined by parties of our own nation, the inequality in the number of the officers produced contests and disputes.

‘The only troops of *Europe*, my Lords, that swarm with officers, are those of *France*, but even these have fewer officers in proportion to their private men in time of war; for when they
‘disband

‘ disband any part of their forces, they do not,
 ‘ like us, reduce their officers to half-pay, but add
 ‘ them to the regiments not reduced, that the
 ‘ families of their nobility may not be burden’d
 ‘ with needy dependents, and that they may ne-
 ‘ ver want officers for new levies.

‘ There are many reasons, my Lords, that
 ‘ make this practice in *France* more reasonable
 ‘ than it would be in our nation. It is the chief
 ‘ view of their governors to continue absolute,
 ‘ and therefore their constant endeavour to keep
 ‘ great numbers in dependence; it ought to be
 ‘ our care to hinder the increase of the influence
 ‘ of the court, and to obstruct all measures that
 ‘ may extend the authority of the ministry, and
 ‘ therefore those measures are to be pursued by
 ‘ which independence and liberty will be most
 ‘ supported.

‘ It is likewise to be remember’d, my Lords,
 ‘ that a *French* officer is supported with pay not
 ‘ much larger than that of a private soldier among
 ‘ us, and that therefore the argument which arises
 ‘ from the necessity of frugality, is not of the
 ‘ same force in both nations.

‘ There is yet another reason why the *French*
 ‘ are under the necessity of employing more of-
 ‘ ficers than any other nation. The strength of
 ‘ their armies consists in their gentlemen, who
 ‘ cannot be expected to serve without some com-
 ‘ mand: The common soldiers of the army in
 ‘ *France* are a mean, spiritless, despicable herd,
 ‘ fit only to drudge as pioneers, to raise intrench-
 ‘ ments, and to dig mines, but without courage
 ‘ to face an enemy, or to proceed with vigour in
 ‘ the face of danger.

‘ Their gentlemen, my Lords, are of a very
 ‘ different character, jealous of their honour,
 ‘ and conscious of their birth, eager of distinc-
 ‘ tion, and ambitious of preferment. They have

‘ commonly their education in the army, and
 ‘ have no expectations of acquiring fortunes equal
 ‘ to their desires, by any other profession, and are
 ‘ therefore intent upon the improvement of eve-
 ‘ ry opportunity which is offer’d them, of in-
 ‘ creasing their knowledge, and exalting their re-
 ‘ putation.

‘ To the spirit of these men, my Lords, are
 ‘ the armies of *France* indebted for all their vic-
 ‘ tories, and to them is to be attributed the pre-
 ‘ sent perfection of the art of war. They have
 ‘ the vigilance and perseverance of *Romans*,
 ‘ joined with the natural vivacity and expedi-
 ‘ tion of their own nation.

‘ We are therefore not to wonder, my Lords,
 ‘ that there is in the *French* armies an esta-
 ‘ blishment for more gentlemen than in other
 ‘ countries, where the disparity between the mi-
 ‘ litary virtues of the higher and lower classes of
 ‘ men is less conspicuous. In the troops of that
 ‘ nation, nothing is expected but from the offi-
 ‘ cers; but in ours, the common soldier meets
 ‘ danger with equal intrepidity, and scorns to see
 ‘ himself excell’d by his officer in courage or in
 ‘ zeal.

‘ We are, therefore, my Lords, under no neces-
 ‘ sity of burdening our country with the expence
 ‘ of new commissions, which in the army will be
 ‘ superfluous, and in the state dangerous, as
 ‘ they will fill our Senate with new dependents,
 ‘ and our corporations with new adherents to
 ‘ the minister, whose steady perseverance in his
 ‘ favourite scheme of parliamentary subordina-
 ‘ tion will be perhaps the only occasion of these
 ‘ new levies, or at least has hinder’d the right
 ‘ application of our standing troops. For what
 ‘ reason, my Lords, can invention or imagina-
 ‘ tion assign, why the troops who had been for
 ‘ some time disciplin’d, were not rather sent to
 ‘ the

‘ the assistance of *Vernon* than the new marines,
‘ except that some of them were commanded by
‘ men who had obtained seats in the other house,
‘ and who by their settled adherence, and avow-
‘ ed fidelity to the minister, had recommended
‘ themselves too powerfully, to be rashly exposed
‘ in the service of their country to the bullets of
‘ the *Spaniards* ?

‘ So great, my Lords, has been the minister’s
‘ regard to parliamentary abilities, and so strict
‘ his gratitude to his friends, that I know of
‘ but one member of the other house that has
‘ been hazarded in this expedition, and he a
‘ hopeless, abandon’d patriot, insensible of the
‘ capacity or integrity of our ministry, and
‘ whom nothing has been able to reconcile to our
‘ late measures. He therefore, who has never
‘ exerted himself in defence of the ministry,
‘ was in his turn thought unworthy of ministerial
‘ protection, and was given up to the chance of
‘ war without reluctance.

‘ But I hope your Lordships will concur with
‘ me in the opinion, that it is not always neces-
‘ sary to gratify the ministry, but that our country
‘ claims some part of our regard, and therefore
‘ that in establishing our army we should pursue
‘ that method which may be most accommoda-
‘ ted to our constitution, and instead of imita-
‘ ting the military policy of the *French*, follow
‘ the example of those nations, by whose troops
‘ they have been conquer’d.

‘ Had this scheme been hitherto follow’d, had
‘ our new levies, instead of being put under the
‘ command of boys, been distributed in just pro-
‘ portions among the standing regiments, where
‘ they might soon have been qualified for service,
‘ by the inspection of experienc’d officers, we
‘ might now have seen an army capable of awing
‘ the court of *Spain*, into submission, or, if our
‘ de.

‘ demands had been still refused, of revenging
‘ our injuries and punishing those who have
‘ insulted and despised us.

‘ From an army thus raised and disciplined,
‘ detachments, my Lords, ought to have been
‘ sent on board of all our fleets, and particularly
‘ that which is now station’d in the *Mediterra-*
‘ *nean*, which would not then have coasted about
‘ from one port to another, without hurting or
‘ frightening the enemy, but might by sudden de-
‘ scents have spread terror through a great part
‘ of the kingdom, harrassed their troops by con-
‘ tinual marches, and by frequent incursions have
‘ plunder’d all the maritime provinces, driven
‘ the inhabitants into the inland country, and
‘ laid the villages in ashes.

‘ There is yet, my Lords, no appearance of
‘ a peace, for our success has not enabled us to
‘ prescribe terms, and I hope, we are not yet fal-
‘ len so low, as to receive them; it is therefore
‘ proper to form such resolutions as may in-
‘ fluence the conduct of war, and enable us to
‘ retrieve the errors of our past measures.

‘ The minister, my Lords, is not without pane-
‘ gyrists, who may perhaps endeavour to persuade
‘ us, that we ought to resign all our understand-
‘ ings to his superior wisdom, and blindly trust
‘ our fortunes and our liberties to his unshaken
‘ integrity. They will in proof of his abilities,
‘ produce the wonderful dexterity and penetra-
‘ tion which the late negotiations have discover-
‘ ed, and will confirm the reputation of his in-
‘ tegrity, by the constant parsimony of all his
‘ schemes, and the unwillingness with which he
‘ at any time increases the expences of the na-
‘ tion.

‘ But, my Lords, it is the great duty of your
‘ high station, to watch over the administration,
‘ and to warn those, who are more immediately
‘ intrusted

‘ intrusted with the publick affairs, against measures which may endanger the safety or happiness of the nation; and, therefore, if I have proved to your Lordships, that to raise new regiments is dangerous to our liberties, that a multitude of officers is of no use in war, and that an army may be more expeditiously disciplined by adding new men to every company, I hope your Lordships will agree to this resolution which I have drawn up with the utmost brevity, and of which the meaning cannot be mistaken.

“ That the augmenting the army by raising regiments, as it is the most unnecessary and most expensive method of augmentation, is also the most dangerous to the liberties of the nation.”

The Duke of *Newcastle* next spoke to this effect.

‘ My Lords,

‘ As my education and employments have afforded me no opportunities of acquiring any skill in military affairs, it will not be expected by your Lordships, that I should be able to confute the arguments of the noble Duke, whose acknowledged superiority in the art of war, and the abilities which he has displayed in the administration of every province which he has undertaken, give him a claim to the highest deference.

Duke of
Newcastle's
speech.

‘ But, my Lords, as I cannot assume the province of disputing on this question, so I cannot without longer consideration form any resolution concerning it; for arguments may be fallacious, which yet I cannot confute, and to approve without knowledge, is no less weak than to censure.

‘ There is not any present necessity, my Lords, of forming a resolution on this subject; we are
‘ not

‘ not now called upon particularly to consider it,
 ‘ and certainly it cannot be prudent by so deter-
 ‘ minate a decision, pronounced without reflexion
 ‘ or deliberation, to preclude a fuller examination
 ‘ of this important question.’

Then the Lord *Carteret* rose and spoke in this manner.

‘ My Lords,

Lord *Carteret*’s speech.

‘ The noble Duke who made the present motion, has supported it by such strength of argument, and so fully explained the advantages of the method which it tends to recommend; that not only the present age but posterity may probably be indebted to him, for juster notions of a military establishment, than have been yet attained even by those, whose profession obliges them to such inquiries.

‘ Nor, my Lords, could we expect less from his long experience and extensive capacity; experience gained in the heat of war and in the midst of danger; a capacity not only cultivated by solitary disquisitions in retirement and security, but exercised by difficulties and quickened by opposition. Such abilities, my Lords, matured by such an education, have justly made the noble Duke the oracle of war, and procured him the esteem and reverence of all the powers upon earth.

‘ As I did not receive from my education any military knowledge, I am not able to add much to the arguments, which your Lordships have already heard; but nevertheless, having been under the necessity of regulating the army, when I had the honour to be employed in *Ireland*; and having made, in those countries where I transacted the business of the crown, some observations upon the different forms of military establishments, I hope I shall be allowed to of-

‘ fer

‘fer what my experience or my remarks may suggest to me, in confirmation of the sentiments of the noble Duke.

‘When I was in *Ireland*, my Lords, the troops of that kingdom consisted of twenty one regiments, of which ten were, as last year, brought into *England*, and the *Irish* forces were to be filled up by new levies, which were raised in the manner now proposed by increasing every regiment from three hundred and forty to six hundred men; so that the eleven regiments remaining composed a body of nearly the same number with the twenty one regiments, as formerly constituted.

‘Of the *Swedish* establishment, my Lords, the reputation and success of their troops are an uncontrovertible vindication, and I have often had an opportunity of comparing the number of officers with that of ours, and found their private men to be far more numerous in proportion to the officers.

‘In *Hanover*, my Lords, I have seen his Majesty’s troops remarkable for the elegance of their appearance, and being once asked by the commander at what expence one of those gallant troopers and his horse was supported, was told, after confessing my ignorance, that he cost no more than fourteen pounds a year, who could not in this country be maintained for less than forty.

‘I believe, my Lords, that the *French* forces are not more expensive than those of *Hanover*, and therefore we are by no means to imitate their establishment; for the price of provisions and habits of life do not admit of any diminution of the pay of either our officers or soldiers, and we can only lessen our expences by reducing their numbers, to which I shall for my part most willingly contribute.

‘But

‘ But as this, my Lords, is not the proper time
 ‘ for disbanding our forces, of which the present
 ‘ state of our affairs may perhaps demand an aug-
 ‘ mentation, it is necessary to compare the state of
 ‘ our forces with that of foreign troops, and sup-
 ‘ ply by prudent methods the disadvantages to
 ‘ which we are subject by the peculiar condition
 ‘ of our country. For if the *French* can support
 ‘ an army at a fourth part of our expence; what
 ‘ must be the consequence of a war, supposing the
 ‘ wealth of the two nations nearly equal? It will
 ‘ be to little purpose that we boast, however just-
 ‘ ly, of the superiority of our troops; for though
 ‘ it should be granted that the *English* cannot be
 ‘ resisted by an equal number, yet it can never be
 ‘ expected that they should conquer troops four
 ‘ times as numerous as themselves.

‘ Thus, my Lords, it appears with all the evi-
 ‘ dence of arithmetical demonstration, that the
 ‘ method now proposed is highly expedient, nor
 ‘ can any objection, in my opinion, be made to
 ‘ the resolution offered to your Lordships.

‘ That this is not a proper time for this inquiry
 ‘ has been indeed urged, but surely no time can
 ‘ be more proper than when we may, by a resolu-
 ‘ tion unanimously passed, regulate in some degree
 ‘ the conduct of the other house, and hint to
 ‘ them the opinion of this assembly on a question
 ‘ which is perhaps to-morrow to be brought be-
 ‘ fore them.’

The Earl of *Cholmondeley* then spoke thus.

‘ My Lords,

‘ Though I was once honoured with a com-
 ‘ mand in the army, and consequently ought to
 ‘ have attained some military knowledge, yet I
 ‘ have so long resigned my commission, possessed
 ‘ it for so short a time, and have suffered my at-
 ‘ tention to be diverted from inquiries on that
 ‘ subject

Earl of
*Cholmonde-
 ley's* speech.

‘ subject by employments of so different a kind,
 ‘ that I cannot presume to oppose any knowledge
 ‘ of my own to the reasons which have been of-
 ‘ fered; but I cannot think that the conclusions
 ‘ drawn by the noble Duke, are so evidently true
 ‘ as to force conviction, and exclude all possibility
 ‘ of reply; nor can I conceive it consistent with
 ‘ the dignity of this assembly, to yield implicitly
 ‘ to any man’s assertions, or to pass any resolution
 ‘ without an accurate inquiry.

‘ Some objections, my Lords, arise upon re-
 ‘ flection from my narrow observation and transi-
 ‘ ent reading, and these I shall lay before your
 ‘ Lordships, with an open acknowledgment of
 ‘ my insufficiency to discuss the question, and a
 ‘ sincere desire of being instructed where I may be
 ‘ mistaken.

‘ The subordination of the army, my Lords,
 ‘ appears to me in general to be sufficiently main-
 ‘ tained, nor is it ever infringed but by particular
 ‘ partiality, that can never be prevented, or a ca-
 ‘ sual difference in the circumstances of the offi-
 ‘ cers, which, though not relative to their military
 ‘ characters, will always produce some degree of
 ‘ influence.

‘ I know not, my Lords, how the general re-
 ‘ gulation of our forces, and the distribution of
 ‘ military honours can be condemned, without ex-
 ‘ tending some degree of censure to a person who
 ‘ ought not to be mentioned, as concurring in any
 ‘ measures injurious to the publick. Our army,
 ‘ my Lords, is maintained by the Parliament, but
 ‘ commanded by the King, who has not either
 ‘ done, or directed any thing, of which his people
 ‘ may justly complain.’

Here the Duke of *Argyll* interrupted him.

Duke of
Argyll's
answer.

‘ My Lords,
‘ It is necessary to clear myself from misrepresentations, and to preserve at the same time the order of this assembly, by reminding the noble Lord, that his Majesty is never to be introduced into our debates, because he is never to be charged with wrong, and by declaring to your Lordships, that I impute no part of the errors committed in the regulation of the army to his Majesty, but to those ministers, whose duty it is to advise him, and whom the law condemns to answer for the consequences of their counsels.’

The Earl of *Cbolmondeley* resumed.

Earl of
Cbolmonde-
ley's speech
continued.

‘ My Lords,
‘ If I misrepresented any assertion of the noble Duke's, it was by misapprehension, or failure of memory, and not by malice or design; and if in any other objections which I shall make, I shall fall into any error of the same kind, I desire that it may be ascribed to the same cause.
‘ The ignorance and inexperience of our present officers have been exposed with great gaiety of imagination, and with the true spirit of satirical rhetorick, nor can I presume to support them against so formidable censures. But, my Lords, I cannot discover any method of protracting the lives of our old officers beyond the usual term, nor of supplying the loss of those whom death takes away from the army, but by substituting others, who, as they have seen no wars, can have little experience.
‘ With regard to the number of officers in the foreign troops, I have been informed, that they were by an express stipulation to be constituted in the same manner with the *English* and *Dutch* forces.’

Then the Duke of *Argyll* again interrupted him.

‘ My

‘ My Lords,

‘ As it was my province in the late war to su- Duke of
Argyll's
second reply.
perintend the payment of the foreign troops, I
‘ may be allowed to have some knowledge of the
‘ establishment, and hope I shall not be imagined
‘ to need any information on that subject.’

And then the Earl of *Cholmondeley* said.

‘ My Lords,

‘ I do not presume to dispute any assertion of Earl of
Cholmonde-
ley's reply.
the noble Duke, for whose knowledge I have
‘ the highest veneration, but only to offer such
‘ hints for inquiry as may be pursued by other
‘ Lords of greater abilities, and to shew, that as
‘ some difficulties may be raised, the resolution
‘ ought not to be agreed to without farther deli-
‘ beration; since it not only tends to prescribe the
‘ measures which shall be hereafter taken, and
‘ prohibit a method of raising forces, which when
‘ diligently examined, may perhaps appear most
‘ eligible, but to censure the methods, which,
‘ when they were put in practice the last year, re-
‘ ceived the approbation of all the parts of the
‘ legislature.’

The Earl of *Westmoreland* spoke next as follows.

‘ My Lords,

‘ I have for my own satisfaction stated the dif- Earl of
Westmore-
land's
speech.
ference of the expence between the two methods
‘ of raising forces, and find it so great, that the
‘ method proposed by the noble Duke, ought un-
‘ doubtedly to be preferred, even though it were
‘ attended with some inconvenience, from which
‘ he has shewn it to be free.

‘ Frugality, my Lords, is one of the chief
‘ virtues of an administration; a virtue without
‘ which no government can be long supported;
‘ the publick expence can never be too accurately
‘ computed, or the first tendency to profusion too
‘ rigorously

‘ rigorously opposed; for, as in private life, so
 ‘ in political œconomy, the demands of necessity
 ‘ are easily supplied; but if once the calls of want-
 ‘ tonnes and caprice are complied with, no limits
 ‘ can be fixed, nor will any treasure be sufficient.

‘ Whether the burdens, under which the peo-
 ‘ ple are now toiling, were all imposed by neces-
 ‘ sity, I will not inquire; but I think, my Lords,
 ‘ we may readily determine, that whatever is not
 ‘ necessary is cruel and oppressive; and that
 ‘ therefore, since the expence of raising new
 ‘ regiments appears at least not to be necessary,
 ‘ it ought to be opposed; and how can it be op-
 ‘ posed more properly or effectually than by the
 ‘ noble Duke’s resolution?’

Then the Lord *Hervey* spoke to this effect:

‘ My Lords,

Lord Her-
 vey’s speech.

‘ I do not claim any superiority of knowledge
 ‘ in any affairs that relate to the publick, but
 ‘ have less acquaintance with the military esta-
 ‘ blishment than with any other part of the go-
 ‘ vernment, and can therefore neither oppose the
 ‘ resolution now offered to your Lordships by
 ‘ such arguments as may deserve your attention,
 ‘ nor agree to it with that degree of conviction
 ‘ which the importance of it seems to require.

‘ That the chief argument which has been
 ‘ produced against raising new regiments, is less
 ‘ formidable than it has been represented, will,
 ‘ I believe, appear to your Lordships, when it is
 ‘ considered that the officers are always gentlemen
 ‘ of the first families in the kingdom, who, there-
 ‘ fore, cannot be supposed voluntarily to give up
 ‘ their relations and posterity to the power of
 ‘ any ministry, or for the sake of their commis-
 ‘ sions, to betray that constitution by which their
 ‘ own properties are secured.

‘ Whether

‘ Whether every other argument may not with equal justice be controverted, is not, without longer consideration, possible to be determined, and therefore it cannot be reasonably expected that we should agree to the resolution, which would be only to decide without examination, and to determine what we don’t understand; for I am under no apprehension of being imagined to reflect unjustly on this assembly, in supposing that many of your Lordships may be strangers to the question, which, when the last levies were made, was neither discussed nor proposed.

‘ I therefore move, that the previous question may be put, which may perhaps gain time sufficient for a more exact inquiry upon this important subject.’

Lord *Talbot* replied to this purport :

‘ My Lords,

‘ If in imitation of some noble Lords, I profess my ignorance of the subject on which I am to speak, may it not yet be allowed me, after the example of others, to employ the little knowledge which I have in the defence of a resolution, which appears to have no other tendency than the advantage of the publick, and to shew my zeal for the happiness of my country, though perhaps without the true knowledge of its interest? Lord *Talbot*’s
speech.

‘ The noble Lord, who spoke last, is too great a master of eloquence not to be heard with all the attention which pleasure naturally produces, and a reasoner too formidable not to raise in his hearers all the anxiety which is produced by the fear of being deceived by partial representations, and artful deductions. I am always afraid, my Lords, lest error should appear too much like truth in the ornaments which his

‘ Lordship’s imagination may bestow, and lest
‘ sophistry should dazzle my understanding whilst
‘ I imagine myself only guided by the light of
‘ reason.

‘ I shall therefore endeavour, my Lords, to
‘ review his ornaments, and try whether they owe
‘ their influence to the force of truth or to that
‘ of eloquence.

‘ His Lordship has observed, that the objections
‘ which are now made to the method of raising
‘ new regiments, were not produced last year upon
‘ a like occasion. I know not, indeed, what can
‘ be inferred from this assertion ; for surely it will
‘ not maintain, that an error once admitted is to
‘ become perpetual.

‘ But, my Lords, another reason may be as-
‘ signed, for which the objections that occurred
‘ last year might not be produced. The ministry,
‘ after a long course of disgraceful negotiations,
‘ and artful delays, were, at length, compelled
‘ to a war, by the general clamours of the whole
‘ nation ; but they acted as men unwilling to ex-
‘ ecute what they did not approve. They pro-
‘ ceeded so slowly in their preparations, and were
‘ so languid in all their motions, that it was evi-
‘ dent how willingly they would have improved
‘ every opportunity of retarding the vengeance
‘ which they were forced to threaten ; and with
‘ what artifices they would have protracted any
‘ delay which they could have imputed to those
‘ by whom they were opposed. It was, there-
‘ fore, to the last degree, improper to embarrass
‘ their measures, of themselves sufficiently per-
‘ plexed, or to lay any obstacle in the way of
‘ those who would gladly be stopped.

‘ That the army is filled with gentlemen is so
‘ far, my Lords, from proving that there is no-
‘ thing to be feared from it, that it is the only
‘ foundation of all our solicitude. For none but
‘ gen-

‘ gentlemen can injure our liberties; and while
‘ the posts of the army are bestowed as rewards
‘ of parliamentary slavery, gentlemen will always
‘ be found who will be corrupted themselves, and
‘ can corrupt a borough; who will purchase a
‘ vote in the house, and sell it for military pre-
‘ ferments. By the posts of the army the Par-
‘ liament may be corrupted, and by the corrup-
‘ tion of the Parliament the army be perpe-
‘ tuated.

‘ Those, my Lords, who are the warmest op-
‘ ponents of the army, apprehend not any dan-
‘ ger from their swords, but from their votes.
‘ As they have been of late regulated without
‘ discipline or subordination, I should not feel
‘ much anxiety at seeing them led on by their
‘ new commanders against a body of honest
‘ ploughmen united in the cause of virtue and of
‘ liberty; I should with great alacrity draw my
‘ sword against them, and should not doubt of
‘ seeing them, in a short time, heap’d upon our
‘ fields.

‘ But, my Lords, they are employed to ruin
‘ us by a more slow and silent method; they are
‘ directed to influence their relations in Parlia-
‘ ment, and to suborn the voters in our small
‘ towns; they are dispersed over the nation to
‘ instil dependence; and being enslaved them-
‘ selves, willingly undertake the propagation of
‘ slavery.

‘ That the army is instrumental in extending
‘ the influence of the ministry to the Parliament,
‘ cannot be denied, when military preferments
‘ are held no longer than while he that possesses
‘ them gives a sanction by his vote to the mea-
‘ sures of the court; when no degree of merit is
‘ sufficient to balance a single act of opposition
‘ in Parliament, and when the nation is rather to

‘ be left to the defence of boys, than the minister be suspected of misconduct.

‘ Could either bravery or knowledge, reputation or past services, known fidelity to his Majesty, or the most conspicuous capacity for high trust, have secured any man in the enjoyment of his post, the noble Duke who made the motion, had carried his command to the grave, nor had the nation now been deprived either of his arms, or of his counsels.

‘ But, as he has now offered his advice to his country, and supported his opinion with proofs from reason and experience, which, even those who oppose them, have confess’d themselves unable to answer; as the justness of his reasoning, and the extent of his knowledge, have silenced those whose prejudices will not suffer them to own themselves convinced; let us not, my Lords, reject what we cannot condemn, nor suffer our country to be defrauded of the advantage of this resolution, by that low parliamentary craft, *the previous question.*’

Then the Lord Chancellor spoke to the following purpose:

Lord Chancellor's
speech.

‘ My Lords,
‘ I am far from suspecting, that an open profession of my inability to examine the question before us, in its full extent, will be imputed to an affectation of modesty, since any knowledge of military affairs could not be acquired in those stations in which I have been placed, or by those studies in which the greatest part of my life is known to have been spent.

‘ It will not be expected, my Lords, that I should attempt a formal confutation of the noble Duke's positions, or that I should be able to defend my own opinion against his knowledge

ledge and experience ; nor would I, my Lords,
expose myself to the censure of having harangued upon war in the presence of *Hannibal*.

The noble Duke has explained his sentiments to your Lordships with the utmost accuracy of method, and the most instructive perspicuity of language ; he has enforced them with a strength of reasoning rarely to be found, and with an extent of knowledge peculiar to himself. Yet, my Lords, as his arguments, however powerful in themselves, do not strike me with the same force with which others may be affected, who are more capable of receiving them, I hope that your Lordships will allow me to mention such objections as occur to me, that in voting on this question I may at least preserve my conscience from violation, and neither adopt the opinion of another, however great, without examination, nor obstinately reject the means of conviction.

Every Lord who has spoken, either in support of the noble Duke's opinion, or in opposition to it, has confessed that he is very little acquainted with the subject of our debate ; and it may not therefore be an improper or useless attempt, if I endeavour by objections, however injudicious, or by arguments, however inconclusive, to procure some illustration of a question so important, and at the same time so little understood.

The objections, my Lords, which I shall produce, are such as I have heard in conversation with those whose long acquaintance with military employments, give them a just claim to authority in all questions which relate to the art of war ; among whom I find no uniformity of opinion with regard to the most proper method of augmenting our forces. And, my Lords, when we observe those to differ in
their

‘ their sentiments, whose education, experience,
 ‘ and opportunities of knowledge, have been
 ‘ nearly the same, and who have all obtained a
 ‘ very great degree of reputation in their profes-
 ‘ sion, what can be inferr’d, but that the question
 ‘ is in its own nature obscure and difficult; that
 ‘ it involves a multitude of relations, and is diffu-
 ‘ sed through a great variety of circumstances;
 ‘ and that therefore it is prudent for every man,
 ‘ who can judge only upon the authority of
 ‘ others, to suspend his opinion?

‘ The chief argument, or that at least which
 ‘ impressed itself most strongly on my mind,
 ‘ against any innovation in our military constitu-
 ‘ tion, was drawn from the success of our armies
 ‘ in their present form, with that proportion of
 ‘ soldiers and officers, which the present motion
 ‘ tends to abolish. Our forces, say the advocates
 ‘ for the present establishment, have afforded us
 ‘ a sufficient testimony of the propriety of their
 ‘ regulation, by their frequent victories over
 ‘ troops, whose discipline has been studied with the
 ‘ utmost vigilance, and which have been trained up
 ‘ to war with a degree of attention not dispro-
 ‘ portioned to the mighty design for which they
 ‘ were raised, the subjection of the world, and
 ‘ attainment of universal monarchy. These
 ‘ troops, who have been taught, almost from
 ‘ their infancy, that cowardice and flight are the
 ‘ greatest crimes, and persuaded by national pre-
 ‘ judices, and principles studiously instilled, that
 ‘ no foreign forces could withstand them, have
 ‘ fled before equal numbers of *Englishmen*, and
 ‘ been driven from one province to another, till,
 ‘ instead of grasping at general dominion, they
 ‘ were reduced to defend their wives and children.

‘ How much of this success was to be ascribed
 ‘ to that part of the regulation which this motion
 ‘ proposes to be changed, it is not, my Lords,
 ‘ within

‘ within my province to determine; the great
 ‘ commander, whom I have the honour to op-
 ‘ pose, can best explain to your Lordships the
 ‘ province of every officer in the field, and how
 ‘ far the number of inferior officers may influence
 ‘ the success of a battle, and the fate of a king-
 ‘ dom.

‘ But to me, my Lords, the establishment of
 ‘ our armies comprising different views, and con-
 ‘ necting various subordinate regulations, may be
 ‘ compared to a medicine composed of different
 ‘ ingredients, and found infallibly efficacious in
 ‘ a dangerous disease, in which, though some of
 ‘ the parts may seem to physicians of the pro-
 ‘ foundest learning, superfluous or improper, it
 ‘ would be no less than the folly of preferring
 ‘ experiments to life, to make any alteration.

‘ The wantonness of innovation, my Lords,
 ‘ is a dangerous disease of the mind; in a pri-
 ‘ vate station, it prompts men to be always dis-
 ‘ contented with what they find, and to lose the
 ‘ enjoyment of good in search of something bet-
 ‘ ter; it incites them to leave the safe and beaten
 ‘ tracks of life, in search of those which they
 ‘ imagine nearer, but which are at best less se-
 ‘ cure, and which generally lead them to points
 ‘ far different from that to which they originally
 ‘ intended to direct their course.

‘ It is dangerous, my Lords, to admit any al-
 ‘ teration which is not absolutely necessary; for one
 ‘ innovation makes way for another. The parts
 ‘ of a constitution, like a complicated machine,
 ‘ are fitted to each other, nor can one be changed
 ‘ without changing that which corresponds to it.
 ‘ This necessity is not always foreseen, but when
 ‘ discovered by experience is generally complied
 ‘ with; for every man is more inclined to ha-
 ‘ zard further changes, than to confess himself
 ‘ mistaken by retracting his scheme. Thus, my

‘ Lords, one change introduces another, till the original constitution is entirely destroyed.

‘ By the ambition of innovation, my Lords, have almost all those Empires been destroyed, of which nothing now is left but the memory. Every human establishment has its advantages and its inconveniencies, and by weak attempts to remedy these defects, which notwithstanding the utmost attention will embarrass the machine of government, alterations have been introduced which have been quickly followed by a total dissolution.

‘ There seem, my Lords, to be few regulations, on which it is more dangerous to make experiments than on that of the armies of a nation. We are sufficiently convinced how much of success is the consequence of courage, and that courage is only an opinion of our own superiority, arising from certain circumstances, either imaginary or real.

‘ The courage which at present animates our forces, arises, my Lords, from a very proper ground, their former victories over the enemies which they are now to combat, and will therefore, doubtless, continue while they can consider themselves as enjoying the same advantage with those particular men by whom the victories were obtained. But, my Lords, if any essential part of their establishment be changed, they will be considered, both by themselves and their enemies, as a different army; they will then charge with less alacrity, and be opposed with less dejection; they will consider themselves as fighting without that certainty of success which arises from experience, and their enemies will resolve to try by an obstinate resistance, whether they are now equally formidable as in their former state.

‘ Thus,

‘ Thus, my Lords, I have attempted, how-
‘ ever weakly, to represent the arguments which
‘ I have heard for the continuance of the esta-
‘ blishment, of which your Lordships will exa-
‘ mine the validity, and shall now proceed to
‘ consider the noble Duke’s system of a military
‘ subordination in time of peace.

‘ Whether a standing army, in time of peace,
‘ is made necessary by the change of conduct in
‘ foreign courts, it is now useless to inquire ; but
‘ it will be easily granted by your Lordships, that
‘ no motive but necessity, necessity absolute and
‘ inevitable, ought to influence us to support a
‘ standing body of regular forces, which have
‘ always been accounted dangerous, and gene-
‘ rally found destructive to a free people.

‘ The chief reason, my Lords, of the danger
‘ arising from a standing army, may be ascribed
‘ to the circumstances by which men, subject to
‘ military laws, are distinguished from other
‘ members of the same community ; they are,
‘ by the nature of martial government, exposed
‘ to punishments which other men never incur,
‘ and tried by forms of a different and more ri-
‘ gorous kind than those which are practised by
‘ the civil power. They are, if not exempted
‘ from the jurisdiction of the magistrate, yet sub-
‘ ject to another authority, which they see more
‘ frequently and more severely exerted ; and which,
‘ therefore, they fear and reverence in a higher
‘ degree. They, by entering into the army, lay
‘ aside for the most part all prospect of advan-
‘ tage from commerce or civil employments,
‘ and, in a few years, neither fear nor hope any
‘ thing, but from the favour or displeasure of
‘ their own officers.

‘ For these, my Lords, or for other reasons,
‘ the soldiers have always been inclined to confi-
‘ der

‘ der themselves as a body distinct from the rest
 ‘ of the community, and independent on it, a
 ‘ government regulated by their own laws, with-
 ‘ out regard to the general constitution of their
 ‘ country; they have therefore been ready to
 ‘ subvert the constitution from which they re-
 ‘ ceived little advantage, and to oppress the civil
 ‘ magistrates for whom they had lost their reve-
 ‘ rence.

‘ And how soon, my Lords, might such out-
 ‘ rages be expected from an army formed after
 ‘ the model of the noble Duke, released from
 ‘ the common obligations of society, disunited
 ‘ from the bulk of the nation, directed solely
 ‘ by their own officers, and ultimately com-
 ‘ manded by a man who had the right of com-
 ‘ manding no other? Would they not soon con-
 ‘ sider themselves as a separate community, whose
 ‘ interests were, no less than their laws, peculiar
 ‘ to themselves? Would they not consider him,
 ‘ from whom they received all their rewards, and
 ‘ all their punishments, as the proper object of
 ‘ their supreme regard, and endeavour to exalt
 ‘ him to the same dominion over others, which
 ‘ he enjoyed in regard to themselves, that they
 ‘ might share in his superiority?

‘ A body of men, my Lords, thus separated
 ‘ from the rest of the people, must consider
 ‘ themselves as either ennobled or degraded by
 ‘ such distinction, and would soon find themselves
 ‘ inclined to use the power of their arms, either
 ‘ in the exertion of their privileges, or the re-
 ‘ venge of their disgrace. Then, my Lords,
 ‘ would they set at defiance the laws of the na-
 ‘ tion; nor would one of these noble Lords be
 ‘ able to disband, nor the other to resist them.

‘ The army, my Lords, is, in time of peace,
 ‘ then best regulated when it is kept under the
 ‘ strictest

‘ strictest subordination to the civil power, that
 ‘ power which it is instituted to protect and to
 ‘ preserve.

‘ Thus, my Lords, have I examined the pro-
 ‘ posal and reasons of the noble Duke, perhaps
 ‘ not much to the information of your Lord-
 ‘ ships; but it cannot be expected, that any ca-
 ‘ pacity should be able, in an unexpected and
 ‘ sudden debate, to dispute on a subject which
 ‘ the noble Duke’s education gave him particular
 ‘ opportunities of understanding far beyond al-
 ‘ most every other man, and which he has had
 ‘ time to consider with respect to this present
 ‘ motion.

‘ For this reason, my Lords, I cannot but
 ‘ think the previous question highly expedient,
 ‘ but not for this reason alone; for as the state of
 ‘ the army, and the proper methods of aug-
 ‘ menting it, are soon to be examined by the
 ‘ other house, to prejudice their determinations,
 ‘ may raise a contest about privileges, and oblige
 ‘ us either to persist, for our own honour, in op-
 ‘ position to measures necessary to the security of
 ‘ the publick, or in compliance with the present
 ‘ exigence, accept their scheme, however oppo-
 ‘ site to our own resolutions.’

Then the Lord *Carteret* spoke in substance as follows.

‘ My Lords,

‘ The known abilities of that noble Lord, Lord Carteret’s speech.
 ‘ incline me always to hear him with uncommon
 ‘ expectation and attention, which seldom fail
 ‘ of being rewarded by such pleasure and infor-
 ‘ mation as few other men are able to afford.
 ‘ But his observations on the question before us,
 ‘ my Lords, have only convinced me, that the
 ‘ greatest abilities may be sometimes betrayed
 ‘ into error, and the most candid disposition be
 ‘ vitiated

‘ vitiated by accidental prejudices. For his own
 ‘ arguments neither appear just, nor his represen-
 ‘ tation impartial, of those advanced in favour of
 ‘ the motion.

‘ With regard to the number of officers neces-
 ‘ sary in time of war, his Lordship asserted no-
 ‘ thing from his own knowledge, nor do I believe
 ‘ that any other Lord will imagine himself quali-
 ‘ fied to dispute with the noble Duke upon ques-
 ‘ tions purely military. His experience intitles
 ‘ him to the highest authority in debates of this
 ‘ kind, and if every man has a claim to credit in
 ‘ his own profession, surely, he who has given
 ‘ evidence of his proficiency in the art of war in
 ‘ the eyes of the whole world, will not be denied
 ‘ in this house, that superiority which would rea-
 ‘ dily be allowed him in any other part of the
 ‘ universe.

‘ And yet less, my Lords, can it be suspected,
 ‘ that he intends to deceive us, than that he can
 ‘ be deceived himself: For not only his probity,
 ‘ his love of his country, and his fidelity to the
 ‘ crown, concur to secure him from any tempta-
 ‘ tions to make an ill use of his credit, but his
 ‘ own interest obliges him to offer that scheme for
 ‘ the regulation of our forces, which in his own
 ‘ opinion will most certainly contribute to their
 ‘ success. For, it is not to be doubted, my
 ‘ Lords, that when we shall be engaged in war
 ‘ too far for negotiations and conventions, when
 ‘ we shall be surrounded by enemies, and terrified
 ‘ at the near approach of danger, he will be called
 ‘ upon to lead our armies to battle, and attack
 ‘ once more those enemies that have fled so often
 ‘ before him.

‘ Then, my Lords, if he has contributed to
 ‘ form a weak plan of our military constitution,
 ‘ must he atone for it with the loss of his reputa-
 ‘ tion; that reputation, for which he has under-
 ‘ gone

‘ gone so many fatigues, and been exposed to so many dangers.

‘ But, my Lords, it is ridiculous to suspect where nothing appears to provoke suspicion, and I am very far from imagining, that the dangers of innovation, however artfully magnified, or the apprehensions of the soldiers, however rhetorically represented, will be thought of any weight.

‘ The establishment of the army, my Lords, is an innovation, and, as the noble Lord has justly represented it, an innovation that threatens nothing less than the destruction of our liberties, and the dissolution of our government. Our vigilance ought therefore to be very anxiously employed in regulating this new part of our government, and adapting it, in such a manner, to the national constitution, that no detriment may arise from it, and that our civil rights may be protected, not oppressed, by the military power.

‘ To this purpose, says the noble Lord, the soldiers are to be restrained by a due subordination to the magistrate, a position undoubtedly true, but now superfluously urged. For it was never controverted by the noble person whose opinion he intended to oppose.

‘ Should any man assert, my Lords, that the army ought to be formed into a distinct and independent society, which should receive laws only from a council of war, and have no other governor than their officers, none should oppose such an assertion with more ardour or constancy than myself; but what was never advanced, it is unnecessary to confute.

‘ Yet, my Lords, to obviate those dangers from the army, which have been so strongly and justly represented, it is necessary, not only that a legal subordination to the civil authority be

‘ firmly established, but that a personal dependence on the ministry be taken away.

‘ How readily men learn to reverence and obey those on whom their fortunes depend, has been already shewn by the noble Lord, and therefore it will follow, that a minister who distributes preferments at his pleasure, may acquire such an influence in the army, as may be employed to secure himself from justice by the destruction of liberty. And unless it can be proved, that no such minister can ever exist; that corruption, ambition, and perfidy, have place only in the military race; every argument that shews the danger of an army dependent only on the general, will shew the danger likewise of one dependent only on the minister.

‘ The influence of the minister, my Lords, is known to arise from the number of the officers, and to be proportioned to the value of the preferment, which it is in his power to bestow; it is therefore evident, by adding new officers to our army, we shall throw weight into the scale, which already is, at least, an equal balance to our constitution, and enable the ministry either to employ an army in defence of their measures, or to obtain such an influence in Parliament, as shall make any other security superfluous.

‘ Such, my Lords, is the danger of a multitude of officers, a danger which surely deserves more attention, than the imaginary prejudice of the soldiers in favour of the present establishment; a prejudice represented so powerful both in our own forces, and those of our enemies, that the future success of our arms may probably depend upon it.

‘ Surely, my Lords, that cause may be allowed indefensible, which such a patron defends so weakly. What can be more chimerical than

‘ to imagine, that men would lay down their
‘ arms, and forsake their standards, because there
‘ are twenty more in a company than have for-
‘ merly been? That such a panick from such a
‘ cause was never found, I need not prove, and
‘ I scarce think it necessary to assert, that without
‘ supposing a universal depravity of reason, it
‘ never can be found.

‘ The establishment proposed by the noble
‘ Duke, is the same with that of most foreign
‘ troops, and particularly with that of his Ma-
‘ jesty’s forces in his foreign dominions, and,
‘ therefore, cannot but be approved by him, if it
‘ should be proposed by your Lordships. For
‘ why should he imagine a greater number of
‘ officers necessary to the troops of *England*, than
‘ to those of any other nation?

‘ The expediency of the motion, my Lords, is,
‘ in my opinion, so obvious and incontestable, as
‘ to require no farther consideration, and there-
‘ fore it is no argument against it, that we were
‘ not previously informed of the question.

‘ Much less, my Lords, can I discover the
‘ force of the assertion, that by such a resolution
‘ we shall excite the displeasure of the other
‘ house; we have, my Lords, at least an equal
‘ right with them to examine any position re-
‘ lating to the publick security, a right which we
‘ may exert with less danger of disgusting them,
‘ while they have yet formed no determination,
‘ and with less danger to the nation, than when
‘ their opinion, whatever it may be, cannot be
‘ controverted without retarding the important
‘ bill against mutiny.

‘ We are never offended, my Lords, at re-
‘ ceiving the opinions of the other house, which
‘ we often adopt without any alteration, and of-
‘ ten make use of for our own instruction; and
‘ now are become so contemptible, as that no re-

‘gard should be paid by them to our resolutions.
 ‘It is well known, my Lords, that this assembly is an essential and constituent part of the
 ‘legislature of this kingdom, and that we received from our ancestors a great extent of
 ‘power, which it ought to be our care not
 ‘to suffer to be contracted by degrees, till this
 ‘assembly shall become merely formal, and fit
 ‘only to ratify implicitly the determinations of
 ‘the other house.’

Protest upon
 it.

At last the previous question was put, which was carried in the negative; and this occasioned the following protest:

Tuesday, Dec. 9, 1740. The order of the day being read, for taking the state of the army into consideration, it was proposed to resolve, ‘That
 ‘the augmenting the army by raising regiments,
 ‘as it is the most unnecessary and most expensive
 ‘method of augmentation, is also the most dangerous to the liberties of *Britain*.’

Which being objected to, and long debate thereupon, the previous question was put, Whether that question shall be now put? It was resolved in the negative. Content 42, Not Content 59.

Dissentient

1. Because we conceive, that this motion ought not to have been laid aside by the previous question, the arguments urged in the debate against our coming to this resolution at this time, being, in our opinion, highly insufficient, since we cannot apprehend what further lights could be had with relation to the several propositions contained in the question, than those we received in the debate, authorized by the usage of almost all the nations in *Europe*; nor were there any particular papers pointed out, as necessary for the
 infor-

information of the house; and we thought this the properest time to come to this resolution, before any steps were taken as to the method of making the intended augmentation.

2. Because it was proved in the debate, and universally admitted, that the augmentation of our land forces, by the raising of new corps, was by near one third, a more expensive manner of augmenting, than by additional men to companies. A consideration which, in our opinion, ought to have the greatest weight at this time, when the nation is engaged in a new war, and still groaning under all the burden of the last, though after thirty years peace.

3. Because considering, that the œconomy of augmenting the forces by additional men to companies, was admitted, and the utility of it not disproved, we cannot help suspecting, that the raising of new corps at this time, when the election of a new Parliament draws so near, may be of a dangerous tendency to the constitution of this kingdom, and relate more to civil than military service, especially since there are now no officers to be found (the officers now remaining upon half-pay, having been already judged by the administration unfit for service) it is, in our opinion, opening a door to introduce a large body of commission'd pensioners. These suspicions are strengthened, by the experience we have had, that no rank has been either above, or below ministerial resentment, and the severity of parliamentary discipline; and we must with concern observe, that the honour of the nation, and the fate of this important war, has been intrusted to raw and new-levied troops, in order, as we apprehend, to keep the others at home, only for civil purposes.

| | |
|---------------------|------------|
| Westmoreland | Cobham |
| Northampton | Middleton |
| Shaftsbury | Gower |
| Suffolk | Bridgwater |
| Abingdon | Hereford |
| Chesterfield | Bristol |
| Halifax | Litchfield |
| Carlisle | Thanet |
| Willoughby de Brook | Berkshire |
| Oxford | Aylesford |
| Greenwich | Talbot |
| Bathurst | Haversham |

Debate in
the house
of Com-
mons about
employing
half-pay of-
ficers.

December 12, Samuel Sandys, Esq; stood up in the house of Commons, and moved to resolve, ' That an humbe address be presented to his Majesty, that for the present and future ease of his Majesty's subjects, he would be graciously pleased to employ in the army all such persons as now remain upon half-pay.' Upon this subject he spoke to this effect :

*Mr. Sandys's
speech.*

' Mr. Speaker,
' Sir, Though I have often known motions
' opposed without any just objections, or at least
' without any proof of such inconveniencies like-
' ly to arise from them, as were equivalent to the
' advantages, which they would have produced,
' yet I cannot but confess, that any opposition to
' this will be unexpected and surprizing ; for it is,
' in my opinion, supported by every law of jus-
' tice and humanity. If we regard the pub-
' lick in general, it cannot but produce some
' alleviation of the national expence ; and if we
' consider the particular persons to whom it im-
' mediately relates, they have certainly a just
' claim to that regard, which it is the tendency of
' this motion to procure them.
' To burden with superfluous officers, and un-
' necessary

‘ necessary expences, a people already overwhelmed with taxes, and over-run with the dependents on the crown, is surely to the highest degree cruel and absurd. And to condemn those men to contempt and penury, who have served their country with bravery and fidelity, to prefer unexperienc’d striplings to those commissions, which would gladly be accepted by men who have already tried their courage in the battle, and borne the fatigues of marches, and the change of climates, is surely not only to oppress the deserving, and scatter promotion without just distinction; but, what is yet more enormous, it is to wanton with the publick safety, and expose us to our enemies.

‘ Nor does it appear to me sufficient, that the veteran officers be restored to the commissions which they formerly enjoyed; they ought, upon an augmentation of our troops, to be recompenced by some advancement for their services and their sufferings; the ensign ought to become a lieutenant, and the lieutenant be exalted to a captain; stations which they will surely fill with more dignity and greater abilities, than boys newly discharged from school, and intrusted with unexpected authority.

‘ If it be reasonable, Sir, that expence should be spared in a time of general poverty; if it be politick to carry on war in the manner most likely to produce success; if it be just, that those who have serv’d their country should be preferred to those who have no merit to boast, this motion cannot be rejected.’

Sir *William Yonge* answered to this purpose.

‘ Sir, To the motion now made, it will not I Sir William Yonge's speech. believe be objected, that it is unreasonable, or unjust, but that it is unnecessary, and that it is not drawn up with sufficient consideration.

‘ It is unnecessary, because his Majesty is advised by it to no other measures, than those which he has already determined to pursue; for he has declared to me, Sir, his intention of conferring the new commissions upon the officers who receive half-pay, before any other officers shall be promoted.

‘ The motion appears to me not to be very attentively considered, or drawn up with great propriety of expression; for it supposes all the half-pay officers fit for the service, which cannot be imagined by any man, who considers that there has been peace for almost thirty years; a space of time, in which many vigorous constitutions must have declined, and many who were once well qualified for command, must be disabled by the infirmities of age. Nor is the promotion of one of these gentlemen considered always by him as an act of favour; many of them have in this long interval of peace engaged in methods of life very little consistent with military employments; many of them have families which demand their care, and which they would not forsake for any advantages which a new commission could afford them, and therefore it would not be very consistent with humanity to force them into new dangers, and fatigues, which they are now unable to support.

‘ With regard to these men, compassion and kindness seem to require, that they should be suffered to spend their few remaining days without interruption, and that the dangers and toils of their youth should be requited in their age with ease and retirement.

‘ There are others who have less claim to the regard of the publick, and who may be passed by in the distribution of new preferments without the imputation of neglecting merit. These
are

‘ are they who have voluntarily resigned their
 ‘ commissions for the sake of half-pay, and have
 ‘ preferred indolence and retreat to the service of
 ‘ their country.

‘ So that it appears, that of those who now
 ‘ subsist upon half-pay, some are unable to
 ‘ execute a commission, some do not desire, and
 ‘ some do not deserve it; and with regard to the
 ‘ remaining part, which can be no great number,
 ‘ I have already declared the intention of his
 ‘ Majesty, and therefore cannot but conclude,
 ‘ that the motion is needless.’

William Pulteney, Esq; spoke to the following effect.

‘ Sir, I know not by what fatality it is, that Mr. Pulteney's speech.
 ‘ all the motions made by one party are rea-
 ‘ sonable and necessary; and all that are unhappi-
 ‘ ly offered by the other, are discovered either to
 ‘ be needless, or of pernicious tendency. When-
 ‘ ever a question can be clouded and perplexed,
 ‘ the opponents of the ministry are always mista-
 ‘ ken, confuted, and, in consequence of the con-
 ‘ futations, defeated by the majority of votes.
 ‘ When truth is too notorious to be denied, and
 ‘ too obvious to be contested, the administration
 ‘ always claim the honour of the first discovery,
 ‘ and will never own that they were incited to
 ‘ their duty by the remonstrances of their oppo-
 ‘ nents, though they never before those remon-
 ‘ strances had discovered the least intention of
 ‘ performing it.

‘ But that the motion is allowed to be just and
 ‘ proper, is sufficient, the importance of it will
 ‘ be easily discovered. For my part I shall al-
 ‘ ways consider that motion as important, which
 ‘ tends to contract the expences of the publick,
 ‘ to rescue merit from neglect, and to hinder the
 ‘ increase of the dependents on the ministry.’

Sir

Sir Robert Walpole answer'd :

*Sir Robert
Walpole's
answer.*

‘ Sir, There is no temper more opposite to that
‘ incessant attention to the welfare of the pub-
‘ lick, which is the perpetual boast of those who
‘ have signalized themselves by opposing the
‘ measures of the administration, than a lust of
‘ contradiction, and a disposition to disturb this
‘ assembly with superfluous debates.

‘ Whether this disposition is not discover’d
‘ in the reply made to the declaration of his Ma-
‘ jesty’s intentions, and the confession of the
‘ propriety of the motion, let the house deter-
‘ mine. It must surely be confessed, that it is
‘ not necessary to advise what is already deter-
‘ mined.

‘ Nor is it less evident, that many of the of-
‘ ficers, whose interest is now so warmly sollicit-
‘ ed, must be incapacitated by their age for ser-
‘ vice, and unable to receive any benefit from
‘ the offer of new commissions. To deny this,
‘ is to question the flux of time, or to imagine,
‘ that the constitution of a soldier is exempt
‘ from its injuries.’

Samuel Sandys, Esq; explain’d himself to this effect :

*Mr. Sandys's
reply.*

‘ Sir, I am far from intending by this motion
‘ to fill the army with decrepit officers, or to ob-
‘ struct in any manner the service of the pub-
‘ lick; nor have I any other intention, than to
‘ secure to those whose years permit, and whose
‘ inclinations incite them to enter once more into
‘ the army, that preferment to which they have
‘ a claim, not only from their past services, but
‘ from the state of penury and obscurity in which
‘ they have languished.

‘ I desire to preserve those whose valour has
‘ heretofore made our nation the terror of the
‘ world,

‘ world, from the mortification of seeing them-
 ‘ selves insulted by childhood, and commanded
 ‘ by ignorance; by ignorance exalted to autho-
 ‘ rity by the countenance of some rhetorician in
 ‘ Parliament, or some mayor of a borough.

‘ Whoever has observ’d the late distribution
 ‘ of military honours, will easily discover, that
 ‘ they have been attained by qualifications very
 ‘ different from bravery, or knowledge of the
 ‘ art of war; he will find that regiments and
 ‘ companies are the rewards of a seasonable vote,
 ‘ and that no man can preserve his post in the
 ‘ army, whether given him as the reward of ac-
 ‘ knowledg’d merit, or sold him for the full va-
 ‘ lue, any longer than he employs all his in-
 ‘ fluence in favour of the ministry.’

Sir Robert Walpole then said,

‘ Sir, It has been already admitted, that the
 ‘ motion can only be objected to, as superfluous,
 ‘ and therefore all further debate is mere waste
 ‘ of time without any prospect of advantage, nor
 ‘ is any thing now necessary, but to review the
 ‘ motion, and correct such expressions as may be
 ‘ thought inaccurate or improper.

*Sir Robert
Walpole's
answer.*

‘ That all the half-pay officers are not able to
 ‘ enter into the service, has been already shewn,
 ‘ and therefore I should imagine, that instead of
 ‘ all the officers, we might very justly substitute,
 ‘ officers properly qualified.

Sir John Barnard replied,

‘ Sir, Tho’ I cannot discover the necessity of
 ‘ any alteration, since it cannot be conceiv’d
 ‘ that the Parliament can advise impossibilities, yet
 ‘ since so much accuracy is affected, it may be
 ‘ allowed that the word, all, shall be left out, as
 ‘ seeming to imply more than can be intended.

*Sir John
Barnard's
speech.*

‘ But

‘ But the honourable gentleman is not, in my opinion, so happy in his amendment, as in his objection; for the words, properly qualified, convey to me no distinct idea. He that is qualified, is, I suppose, properly qualified, for I never heard of improper qualifications; but if the word, properly, be omitted, I have no objection to the amendment.’

Upon this debate, the latter part of the motion was by consent amended thus: --- ‘ To employ in the army such persons as now remain upon half-pay, who are qualified to serve his Majesty.’ And the motion thus amended was agreed to *nem. con.*

Motions and addresses about papers relating to the conduct of our admirals.

Jan. 26. *Edmund Waller*, Esq; stood up, and moved to resolve, ‘ That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there may be laid before this house, copies of the letters written by his Majesty’s Secretary of state to Rear-Admiral *Haddock* the 14th of *February* 1739, the 4th of *April* 1740, and of the letters receiv’d from Sir *Chaloner Ogle*, mention’d therein; together with copies of all letters written by Rear-Admiral *Haddock*, to either of his Majesty’s Secretaries of state, concerning the said letters, and the execution of the orders contained therein?’ Upon this motion, he spoke to the following effect:

Mr. Waller’s speech.

‘ Mr. Speaker,
‘ Sir, No man who considers the present situation of our foreign affairs, the expence and inefficacy of our military preparations, the appearance of negligence in our naval expeditions, and the general disappointment of the hopes which the nation had conceiv’d of victories, vengeance,

‘ geance, and reparations, can, in my opinion,
 ‘ doubt the expediency of the motion which I
 ‘ have taken the liberty to make.

‘ When the expectations of the nation are de-
 ‘ ceiv’d, it certainly becomes those who are de-
 ‘ puted to watch over the prosperity of the pub-
 ‘ lick, to inquire whence the disappointment
 ‘ proceeds, and either to inform their consti-
 ‘ tuents, that their uneasiness arises from their
 ‘ own error, and that their hopes are destroyed,
 ‘ because they had no rational foundation ; or to
 ‘ detect the weak management of those by whom
 ‘ the publick measures have been ill conducted,
 ‘ or the national treasure has been misapplied.

‘ With regard, Sir, to the present war, I know
 ‘ not how the nation can be charged with having
 ‘ formed unreasonable expectations. If they con-
 ‘ sider’d the speech from the throne, the most
 ‘ authentick declaration of the intentions of the
 ‘ government, they found there the warmest
 ‘ resentment of the injuries which they had suf-
 ‘ tained, and the strongest assurances of a vigo-
 ‘ rous prosecution of all those measures, which
 ‘ might produce speedy recompence and invio-
 ‘ lable security.

‘ If they reflect, Sir, on the preparations for
 ‘ war, on the multitude of ships, the demand of
 ‘ materials for naval equipments, and the high
 ‘ prices at which workmen were retained, they
 ‘ could not but imagine, that either some mighty
 ‘ attempt was designed, or some formidable
 ‘ enemy dreaded ; and as they knew not whom
 ‘ they had to fear, they ascribed the vigour of
 ‘ our proceedings to a resolution of humbling
 ‘ our enemies by one fatal blow, and re-establish-
 ‘ ing our naval dominion by a single effort.

‘ And justly, Sir, might they indulge this
 ‘ pleasing imagination, with reason might they
 ‘ anticipate a triumph over an enemy, whose
 ‘ strength

‘ strength bears no proportion to the force that
 ‘ was fitted out against them, and expect that in
 ‘ a few months they should see the ambassadors
 ‘ of *Spain* supplicating for peace.

‘ To raise their expectations yet higher, their
 ‘ trade was suspended by an embargo, long con-
 ‘ tinued, and in the strictest manner enforced,
 ‘ and the impresses were let loose upon the sailors;
 ‘ they saw nothing omitted, however grievous to
 ‘ the nation, that could contribute to make it
 ‘ formidable, and bore part of the miseries of
 ‘ war without impatience, in hopes of being re-
 ‘ warded by military glory, and repaid by the
 ‘ plunder of *Spain*.

‘ But, Sir, when so long a time has elapsed,
 ‘ and no account is brought, of either a victory,
 ‘ or a battle; when they hear nothing but that
 ‘ our fleets have visited several neutral ports, and
 ‘ those of the enemy sailed unmolested from coast
 ‘ to coast, and when they are every day told of
 ‘ the losses of our merchants, are insulted in our
 ‘ own channel by the *Spanish* privateers, and re-
 ‘ ceive no relations of our success upon the
 ‘ shores of our enemies, can it be wonder’d that
 ‘ they suspect the reality of our designs, or inquire
 ‘ whence it proceeds, that their money has been
 ‘ wasted, their trade interrupted, and the liberty
 ‘ of their fellow subjects invaded to no pur-
 ‘ pose?

‘ But how much more justly, Sir, are they
 ‘ inflamed, when they hear of the lucky strata-
 ‘ gems, or daring enterprizes of those enemies,
 ‘ which a just sense of their own superiority had
 ‘ induced them to consider as vanquish’d before
 ‘ the battle, and of whom they had no apprehen-
 ‘ sions but that their cowardice would always se-
 ‘ cure them from vengeance? How justly may
 ‘ they murmur when they read, that our fleets
 ‘ leave every part of the enemies coast, where their
 ‘ presence

‘ preference is necessary, and have afforded the
 ‘ *Spaniards* an opportunity of changing one port
 ‘ for another, as it is most convenient, and at
 ‘ length of joining the *French* squadrons, and
 ‘ sailing to the defence of their *American* domi-
 ‘ nions?

‘ May they not justly, Sir, require of their re-
 ‘ presentatives some reason for such inexplicable
 ‘ conduct? May they not reasonably demand an
 ‘ account of the arguments which procured their
 ‘ approbation of measures, which, so far as they
 ‘ can be examined by those who have no oppor-
 ‘ tunity of perusing the necessary papers, appear
 ‘ either cowardly or treacherous?

‘ And what answer, Sir, can we return to such
 ‘ remonstrances, unless this motion be agreed to?
 ‘ How can we appease the discontents of our
 ‘ constituents, or discharge the trust reposed in
 ‘ us, without a very minute and attentive in-
 ‘ quiry into questions thus obscure and thus im-
 ‘ portant?

‘ Are we to tell our constituents, that we ab-
 ‘ solutely rely upon the prudence and fidelity of
 ‘ the ministry and admirals, and recommend to
 ‘ them the same implicit dependence? Are we to
 ‘ confess, that we have now for two sessions voted
 ‘ in the dark, and approved what we were not
 ‘ suffered to examine and understand?

‘ Such answers, Sir, to questions so reasonable,
 ‘ will not contribute to increase the veneration of
 ‘ the people, either for ourselves, or our consti-
 ‘ tution; and yet this answer, and this only, they
 ‘ can receive from us, if the papers mentioned in
 ‘ the motion I have made, are denied.’

Thomas Clutterbuck, Esq; replied in the follow-
 ing manner :

‘ Sir, This motion, tho’ so warmly urged, and
 ‘ so artfully supported, I can consider only as a re-
 ‘ petition

*Mr. Clutter-
 buck's speech*

‘ petition of a former motion which was approved by this assembly, so far as it could properly be complied with; nor was any paper then concealed, which it would not have been an injury to the nation to have divulged.

‘ If the design of this motion be to promote the success of the present war, and the zeal, with which it has been pressed, be incited only by the ardor of true patriotism, I doubt not but it will easily be withdrawn, by those who are now most inclined to support it, when they shall reflect that it tends to the discovery of our schemes, and to the overthrow of our designs, that it will expose all our consultations to our enemies, and instruct them how to annoy us with most success, and how to shelter themselves from our intended attacks.

‘ It is the first care, Sir, of every administration, that their military designs should only be discovered by the execution of them, and that their enemies, by being obliged to guard all parts, should be weak in all: If by laying our papers before this house, the *Spaniards* should come to be inform’d against what part of their dominions our expeditions are design’d, will they not increase their strength, improve their fortifications, and double their vigilance? And if we are thus oblig’d to form new schemes, must we not impute the defeat of the former to our own imprudent zeal, or unseasonable curiosity?’

Then *Samuel Sandys*, Esq; spoke to this effect.

Mr. Sandys's
speech.

‘ Sir, That we should demand the schemes laid for the future conduct of the war with *Spain*, was never proposed, nor, as it may reasonably be concluded, ever imagined; for what is mentioned in the motion but the papers relating to the transactions of the two last years?

‘ That

‘ That it should be necessary to remind gentlemen of the difference between the future and the past, would hardly be suspected by any man not accustomed to parliamentary controversies and artifices of state; and yet in the argument which has been offered against the motion, nothing has been asserted but that the orders relating to past transactions are not to be laid before us, lest the enemy should thereby gain intelligence of what we now design against them.’

‘ The necessity of secrecy in war needs not to be urged, because it will not be denied; but when designs have been laid, and miscarried, the reasons of that miscarriage may surely be inquired into, without danger of betraying the counsels of our country.’

‘ If the negligence of our counsels, and the misconduct of our commanders has been such, that no designs have been premeditated; if a war has been carried on by chance, and nothing has succeeded because nothing has been attempted; if our commanders have not done ill, and have only done nothing; if they have avoided loss by avoiding danger; we may surely inquire to whom such proceedings are to be imputed, whether the defeat of our designs is to be charged upon the strength of our enemy, or the cowardice of our officers; or whether the inactivity and apparent neutrality of our forces is occasioned by the negligence of our Admirals, or the irresolution of our own ministry.’

‘ There have been, Sir, many incidents in these two last years, of which the examination can be of very little advantage to the Spaniards; I do not know what pernicious intelligence they can glean from an inquiry into the reasons for which Haddock’s fleet was divided, and Ogle sent to the defence of Minorca, or for which he afterwards returned.’

' Nor can I conceive that any advantage, ex-
 ' cept that of merriment and diversion, can be
 ' thrown into the hands of our enemies, though
 ' we should seriously inquire into what no man
 ' has yet pretended to understand, the wonderful
 ' escape of the *Spanish* Squadron. A transaction
 ' on which we had dwelt long enough with that
 ' admiration which ignorance produces, and on
 ' which it may not be improper at length to ena-
 ' ble us to reason.

' This is an affair perhaps much better under-
 ' stood by our enemies than by ourselves, and
 ' surely we cannot therefore be afraid of inform-
 ' ing them of it; at least since the fleet has long
 ' since sailed out and left their coast, we can hard-
 ' ly be restrained in our inquiries by the fear of
 ' discovering our future designs.

' If therefore it be the uncontestable right of
 ' the Parliament to examine the conduct of pub-
 ' lick affairs, which I suppose will scarcely be de-
 ' nied, this motion cannot be rejected as unseason-
 ' able, nor can the papers be refused without in-
 ' creasing those suspicions which already are too
 ' prevalent throughout the nation.

' Nor indeed, for our own sakes, ought we to
 ' delay this inquiry any longer, lest by having
 ' long acted without being accountable, the mini-
 ' ster should form a prescription against our privi-
 ' lege, and in time tell us in plain terms that we
 ' are his slaves, and that we are not to presume to
 ' carry our examinations, however solemn and
 ' important they may continue to appear, further
 ' than he shall be pleased to permit; and that
 ' whatever may be the opinion of the people that
 ' deposes us, or whatever ancient claims we may
 ' plead to authority, we are now to consider our-
 ' selves only as the oppressors of the nation, and
 ' the panegyrists of the court.'

Horatio

Horatio Walpole, Esq; next rose and spoke to this purpose.

‘ Sir, It cannot be denied to be reasonable that
 ‘ all those papers should be laid before the Parlia-
 ‘ ment which can be communicated without inju-
 ‘ ry to the publick. Of this number we may
 ‘ justly imagine the orders sent to the Admirals,
 ‘ in which the time of their departure is fixed,
 ‘ and many others which may be of use to inform
 ‘ the house, but cannot enable the enemy to judge
 ‘ either of our force, or our designs.

‘ But it is evident that there must be others in-
 ‘ cluded in this motion, which our regard for the
 ‘ success of the war, and the prosperity of our
 ‘ country ought to determine us to conceal, and
 ‘ such as are never exposed by any administration;
 ‘ it is therefore proper to limit the address to papers
 ‘ of a certain kind, or a certain date, which may
 ‘ be considered by the house without benefit to
 ‘ our enemies, and for the examination of which
 ‘ a day or two will be more than sufficient.’

Then *William Pulteney, Esq;* spoke in substance as follows.

‘ Sir, I know not what number of papers, the
 ‘ wisdom of the administration will allow us, but,
 ‘ if we judge by the time proposed to be spent in
 ‘ examination, we shall not be distracted with a
 ‘ great diversity of subjects; intelligence will be
 ‘ very penuriously dealt out, and if we submit to
 ‘ their choice of the writings, which shall be laid
 ‘ before us, our inquiry will probably end without
 ‘ any discoveries made either by our enemies, or
 ‘ ourselves.

‘ But, I hope, Sir, we shall not be so cheaply
 ‘ satisfied; nor exposed by the fear of one enemy,
 ‘ to the insolence of another. I hope we shall re-
 ‘ solutely continue our demands of information,

• while a single line is concealed, from which any
• light can be expected.

‘ There, may indeed be circumstances in which
 ‘ our demands, however loud, will necessarily be
 ‘ vain. It is not impossible that we may suspect
 ‘ those transactions of deep art, and secret contri-
 ‘ vance, which have been the consequences of
 ‘ mere indolence, and want of consideration. Our
 ‘ great ministers have been, perhaps, only doing
 ‘ nothing, while we have imagined that they were
 ‘ working out of sight.

‘ Missed, Sir, by this notion we may call for
‘ the orders, that have been dispatch’d in these
‘ two last years, when perhaps our Secretaries of
‘ state have been fattening on their salaries, with-
‘ out employment, and slept without care and
‘ without curiosity, while we have been congratu-
‘ lating ourselves upon their vigilance for our pre-
‘ servation.

Or if orders had been given, it is to be considered, that the end of inspecting orders is to compare them with the conduct of the Admirals to whom they were directed; from this comparison I doubt not, but many gentlemen expect uncommon discoveries, but to check all unreasonable hopes before they have taken possession of their hearts, for unreasonable hopes are the parents of disappointment, I think it proper to remind them, that to draw any conclusions from the orders, it is necessary to understand them.

‘ This consideration alone is sufficient to re-
 ‘ press the ardour of inquiry, for every man, that
 ‘ has had opportunities of knowing the wonderful
 ‘ accomplishments of our ministry, the depth of
 ‘ their designs, the subtilty of their stratagems,
 ‘ and the closeness of their reasoning, will easily
 ‘ conceive it probable that they might send such
 ‘ orders as none but themselves could understand;
 ‘ and what then will be the consequence of our

‘ idle curiosity, but, that we be led into a labyrinth of endless conjectures? For we have long ago found, that no explanations are to be expected, and that our ministry are too wise to discover their secrets to their enemies.

‘ Let us, therefore, examine the naked facts, which have fallen within our observation, and endeavour to inform ourselves of the meaning of these secret orders by the execution of them.

‘ Admiral *Ogle* was dispatched from *Haddock's* fleet to protect *Minorca*, and in his absence the *Spanish* Squadron failed away. Perhaps he was ordered to watch *Ferrol* and *Minorca* at the same time, and not understanding how that was to be done, neglected one part of his charge by an attention to the other; as a watchman who should be employed to guard at once the bank in *London* and the treasury in *Westminster*.

‘ Admiral *Norris*, Sir, failed lately forth I suppose in pursuance of orders, with a very formidable fleet, and after having lost sight for some days of the *British* coast, failed back again with great precipitation. Whether his orders were only to sail forth, or whether when he examined them farther he could not understand them, I pretend not to determine; but it may reasonably be imagined that his orders were of the same kind with those of our other Admirals, because they produced the same consequences.

‘ I have been told, that formerly our commanders were ordered to burn, sink, and destroy; and that in those times it was not uncommon for a *British* Admiral to do much mischief with a strong fleet; but it is evident that the stile is since changed, for our Admirals are now very inoffensive, and go out only to come back. I therefore think the motion highly necessary, and such as ought to be complied with.’

Admiral *Norris* here rose up and spoke thus.

Admiral
Norris's
speech.

' Sir, I am not conscious, that my conduct, in
' any part of my life has exposed me to be justly
' treated with contempt and ridicule, and what I
' have not deserved I will not bear.

' If any gentleman in this house can accuse me
' of having neglected my duty, or deserted it,
' let him not spare insults or invectives, let him
' now expose my cowardice or my carelessness,
' let him prove me unworthy of trust, or of
' command.

' But my own conscience acquits me, and I
' defy any man to produce and support his accu-
' sation; ; nor can you, Sir (addressing himself to
' Mr. *Pulteney*) who have thus contemptuously
' treated me, alledge any thing against me that
' may justify your neglect of decency; that you
' have transgressed the rules of decency, is the
' softest censure that your behaviour admits;
' and I think it may with equal propriety be
' asserted, that you have broken the laws of
' justice.'

Then *William Pulteney*, Esq; replied in this manner.

Mr. *Pulta-*
ney's reply.

' Sir, I shall submit to you, and all who hear
' me, whether I have treated the honourable gen-
' tleman's name with any contemptuous freedom
' of speech. The usual method of mentioning
' an expedition, is that of naming the comman-
' der, who is not thereby necessarily included in
' the censure of an unsuccessful attempt, and I
' am very far from calling his courage and capaci-
' ty into question.

' Not that I shall ever think it necessary to
' make an apology for expressing my sentiments
' with freedom as a member of this house, in
' which I shall always speak what I think, and in
' what manner it shall appear to me most proper;
' nor

‘ nor shall I fear to repeat without doors what I
 ‘ say here.’

Sir *Robert Walpole* next rose up, and spoke to this purpose.

‘ Sir, As I am not acquainted with any mea- Sir Robert
Walpole's
speech.
 ‘ fures pursued by the administration, which it is
 ‘ their particular interest to conceal, I am defi-
 ‘ rous, that all papers should be laid before the
 ‘ house, which will not afford our enemies any
 ‘ opportunity of obviating our designs.

‘ What necessity there is for this address, I
 ‘ cannot indeed discover, because I know not any
 ‘ foundation for suspicion of either negligence or
 ‘ treachery, which have been both insinuated in
 ‘ this debate.

‘ Nor are the ministry, however ludicrously
 ‘ their abilities have been treated, afraid of disco-
 ‘ vering their ignorance, by laying before the
 ‘ house the orders which they have given to our
 ‘ Admirals; orders of which they are far from
 ‘ doubting, that they will appear, upon a candid
 ‘ examination, rational and proper.

‘ The chief objection to this motion arises from
 ‘ its unseasonableness, and the necessity which it
 ‘ will produce of assigning to a fruitless inquiry
 ‘ those hours that may be more usefully em-
 ‘ ployed.’

Then *William Pitt*, Esq; replied in terms to the effect following.

‘ Sir, It is my opinion, that our time cannot Mr. Pitt's
speech.
 ‘ be more usefully employed during a war, than
 ‘ in examining how it has been conducted, and
 ‘ settling the degree of confidence that may be
 ‘ reposed in those to whose care are intrusted our
 ‘ reputations, our fortunes, and our lives.

‘ There is not any inquiry, Sir, of more im-
 ‘ portance than this; it is not a question about an

‘ uncertain privilege, or a law, which if found
 ‘ inconvenient may hereafter be repealed ; we are
 ‘ now to examine, whether it is probable, that
 ‘ we shall preserve our commerce and our inde-
 ‘ pendence, or whether we are sinking into sub-
 ‘ jection to a foreign power.

‘ But this inquiry, Sir, will produce no great
 ‘ information, if those whose conduct is exami-
 ‘ ned, are allowed to select the evidence. For
 ‘ what account will they exhibit, but such as have
 ‘ often already been laid before us, and such as
 ‘ they now offer without concern. Accounts ob-
 ‘ scure and fallacious, imperfect and confused ;
 ‘ from which nothing can be learned, and which
 ‘ can never intitle the minister to praise, though
 ‘ they may screen him from punishment.’

Then *Henry Pelham*, Esq; spoke as follows.

Mr. Pel-
 ham's
 speech.

‘ Sir, I am confident no man engaged in the
 ‘ administration, desires to be screened from the
 ‘ most rigorous inquiry, or would defer to ex-
 ‘ hibit the papers a moment for any other reason
 ‘ than his regard for the publick.

‘ I am confident, that nothing could so much
 ‘ contribute to advance the particular and distinct
 ‘ interest of the ministry, as the publication of all
 ‘ the writings that relate to the present war, by
 ‘ which it would incontestably appear, that no-
 ‘ thing has been omitted that could promote our
 ‘ success, that our commanders have been sent
 ‘ out with orders to act with the utmost vigour,
 ‘ and that our preparations have been not dis-
 ‘ proportioned to the importance of our designs.

‘ It will appear, that no former ministry have
 ‘ given greater proofs of their zeal for the pub-
 ‘ lick interest, or have more steadily pursued the
 ‘ most proper measures by which it might be
 ‘ advanced.

‘ I am not indeed certain that those who now
 ‘ call

‘ call so loudly for information would be prevail-
 ‘ ed on, by any degree of evidence, to suspend
 ‘ their censures. Them, who are now dissatisfi-
 ‘ ed, I shall despair of influencing by reason or
 ‘ testimony; for they seem to inquire only to
 ‘ condemn; nor is this motion perhaps made so
 ‘ much for the sake of obtaining information, as
 ‘ of harrassing the ministry with delays, and sus-
 ‘ pending affairs of greater importance.’

This motion being agreed to, the following
 two resolutions were, upon the motion of *Samuel
 Sandys, Esq;* likewise agreed to, *viz.* ‘ That an
 ‘ humble address be presented to his Majesty, that
 ‘ he will be graciously pleased to give directions,
 ‘ that there may be laid before this house, a copy
 ‘ of the reasons sent by Admiral *Carvendish*, in
 ‘ pursuance of an order from the Commissioners
 ‘ for executing the office of Lord High Admiral
 ‘ of *Great Britain*, *October 12, 1740*, that had
 ‘ retarded the sailing of *Sir Chaloner Ogle’s* sqa-
 ‘ dron so much beyond expectation.’ And,
 ‘ That an humble address be presented to his
 ‘ Majesty, that he will be pleased to give direc-
 ‘ tions, that there may be laid before this house,
 ‘ a copy of the reasons transmitted by *Sir Chalo-
 ‘ ner Ogle*, in pursuance of an order from his
 ‘ Grace the Duke of *Newcastle*, *October 23, 1740*,
 ‘ that did prevent him from sailing, pursuant to
 ‘ his repeated orders for that purpose, and parti-
 ‘ cularly to those sent him by the Commissioners
 ‘ for executing the office of Lord High Admiral
 ‘ of *Great Britain*, on the 4th of *October, 1740.*’

January 27, The Lord *Tyrconnel* moved, for
 ‘ leave to bring in a bill, for the better paving
 ‘ and cleansing the streets within the city of *West-*
 ‘ *minster*, and the liberties thereof, and for pre-
 ‘ venting

Motion for
 a bill for
 better pa-
 ving the
 streets of
Westminster.

‘ venting nufances therein ; ’ upon which occasion his Lordship spoke as follows.

‘ Mr. Speaker,

Lord Tyr-
connel's
speech,

‘ Sir, Tho’ the grievance which I am about to lay before the house, is not of the most formidable or dangerous kind, yet as it is such as grows every day greater, and such as every day endangers the lives of thousands, I hope it will not be thought useless or improper, to propose it to the consideration of this assembly, to offer my thoughts on the methods by which it may be most easily removed, and to endeavour to incite others to the same considerations. It is impossible, Sir, to come to this assembly, or to return from it, without observations on the present condition of the streets of *Westminster*; observations forced upon every man, however inattentive, or however ingrossed by reflexions of a different kind. The warmest zeal for publick happiness, the most anxious vigilance against general dangers, must, I believe, sometimes give way to objects immediate, though of less importance; nor will the most publick spirited members deny, that they have often been in the streets alarmed with obstructions, or shocked with nufances.

‘ The filth, Sir, of some parts of the town, and the inequality and ruggedness of others, cannot but in the eyes of foreigners disgrace our nation, and incline them to imagine us a people, not only without delicacy, but without government, a herd of *Barbarians*, or a colony of *Hottentots*. The most disgusting part of the character given by travellers, of the most savage nations, is their neglect of cleanliness, of which, perhaps, no part of the world affords more proofs, than the streets of *London*; a city famous for wealth, and commerce, and plenty,
‘ and

‘ and for every other kind of civility and politeness ; but which abounds with such heaps of filth, as a savage would look on with amazement. If that be allowed, which is generally believed, that putrefaction and stench are the causes of pestilential distempers ; the removal of this grievance may be pressed from motives of far greater weight than those of delicacy and pleasure, and I might solícite the timely care of this assembly, for the preservation of innumerable multitudes ; and intreat those, who are watching against slight misfortunes, to unite their endeavours with mine, to avert the greatest and most dreadful calamities.

‘ Not to dwell, Sir, upon dangers, which may perhaps be thought only imaginary, I hope that it will be at least considered, how much the present neglect of the pavement is detrimental to every carriage, whether of trade, or pleasure, or convenience ; and that those who have allowed so much of their attention to petitions, relating to the roads of the kingdom, the repair of some of which is almost every session thought of importance sufficient to produce debates in this house, will not think the streets of the capital alone unworthy of their regard. That the present neglect of cleansing and paving the streets, is such as ought not to be born, that the passenger is every where either surprisèd and endangered by unexpected chasms, or offended and obstructed by mountains of filth, is well known to every one, that has passed a single day in this great city ; and that this grievance is without remedy, is a sufficient proof, that no magistrate has at present power to remove it ; for every man’s private regard to his own ease and safety, would incite him to exert his authority on this occasion. I humbly propose therefore, that a bill may be brought into
‘ the

‘ the house, to enable his Majesty’s justices of
 ‘ peace for the liberties of *Westminster*, to inspect
 ‘ the publick ways of this city, and punish the
 ‘ neglect of cleansing and paving them; or that
 ‘ a new officer be appointed, and vested with full
 ‘ authority for the same purpose.’

Samuel Sandys, Esq; spoke next to this effect:

*Mr. Sandys’s
 speech.*

‘ Sir, I believe the grievance, so much com-
 ‘ plained of, by the right honourable member,
 ‘ is not difficult to be removed without a new act
 ‘ of the legislature, being, perhaps, more pro-
 ‘ perly to be imputed to the negligence of the
 ‘ justices, than a defect of their authority; for
 ‘ they have already sufficient power to regulate
 ‘ this disorder: And I may be allowed to hope,
 ‘ Sir, that they do not want leisure to observe it,
 ‘ for their number is so great, that if we suppose
 ‘ them to be wholly engaged by the common
 ‘ business of their office, a foreigner would have
 ‘ occasion of reproaching us with defects more
 ‘ important than want of delicacy, and might
 ‘ justly censure us as a people corrupt, beyond the
 ‘ common rate of human wickedness, a nation
 ‘ divided only into two classes, magistrates and
 ‘ criminals. But they, in reality, abound so
 ‘ much among us, that most of them are only
 ‘ nominal magistrates, vested with authority,
 ‘ which they never exert, or exert to bad pur-
 ‘ poses, and which it were well if they were
 ‘ obliged to employ in the real service of their
 ‘ country, by superintending the pavours and
 ‘ the scavengers.

‘ For this reason it is unnecessary to erect a
 ‘ new officer, as an inspector of our streets, since
 ‘ every office, that is not necessary, is pernicious:
 ‘ Were the consequences of this grievance, such
 ‘ as they have been represented, I should, per-
 ‘ haps, willingly erect a new office; though I
 ‘ should

‘ should not be surpris’d to hear the wisest man
 ‘ declare, rather for a pestilence than an increase
 ‘ of officers. As I neither think the grievance
 ‘ insupportable, nor the methods propos’d for
 ‘ removing it necessary or proper, I declare my-
 ‘ self against the motion.’

Then the Lord *Gage* spoke in the following manner :

‘ Sir, As the grievance cannot be denied to be Lord Gage’s speech.
 ‘ real, and the motion therefore may reasonably
 ‘ be imagin’d to have been made without any
 ‘ other intention than of benefiting the publick
 ‘ by an useful law, I cannot discover any suffici-
 ‘ ent reason for a rejection so peremptory and
 ‘ contemptuous. That every man is disgust’d,
 ‘ and almost every man daily endangered in our
 ‘ streets, has not been denied, nor will any
 ‘ man, I suppose, question what, if he has not
 ‘ yet experienced it, he may perhaps be fully
 ‘ convinc’d of, in his next visit or excursion.
 ‘ Those evils, which every man feels, though
 ‘ slight, are worthy of the attention of the legisla-
 ‘ ture ; and that danger that threatens multitudes,
 ‘ though distant, ought to be averted ; for a
 ‘ small disorder, like a small expence, when it
 ‘ extends to multitudes, becomes a national affair.
 ‘ But though this motion may, perhaps, be lia-
 ‘ ble to some objections, there is certainly no
 ‘ such absurdity to be found in it, as may justify
 ‘ us in rejecting it without examination ; to re-
 ‘ ject a motion, when it is first offer’d, is a proof
 ‘ of prejudice, next to that of rejecting it un-
 ‘ heard ; it is to determine a question, before it
 ‘ is discuss’d, or can be fully understood.’

Samuel Sandys, Esq; replied in substance as fol-
 lows :

‘ Sir, I cannot but differ very widely in opi- Mr. Sandys’s reply.
 ‘ nion from the right honourable member that
 ‘ spoke

‘ spoke last, with regard to the propriety of opposing a motion when it is first made; a practice which I can by no means think inconsistent with either decency or prudence; and which would, perhaps, be of use to the publick, if it was more frequent. When any motion is made, it is subjected to the consideration of this assembly, and every member is at full liberty to examine and discuss it. If it appears to deserve farther attention, it may be admitted; but if the subject be either improper or unreasonable, or the measures proposed injudicious or dangerous, it is then to be rejected; and if it is at last to be rejected, it is apparent, that no time ought to be thrown away upon it. The hours, and days, and weeks, that have been unprofitably spent upon bills, which, after all our endeavours, could not be passed; the delays of real benefits to the publick, which have been produced by long pursuits of shadowy advantages, have inclined me to a more expeditious method of proceeding, and determined me speedily to reject what I cannot hope to amend.’

The question being put, it passed in the negative, 142 against 109.

Protest upon
a motion for
Admiral Vernon's
letters.

January 28, There happened two debates in the house of Lords, which occasioned the two following protests:

Wednesday, January 28, 1740-41. It was moved to resolve, ‘ That an humble address be presented to his Majesty, that he will be graciously pleased to give directions to the proper officers, to lay before this house such representations as have been made by Vice-Admiral *Vernon*, in any of his letters to his Majesty's principal Secretaries of state; or to the Commissioners of the Admiralty, in
‘ relation

‘ relation to the want of more ships, or more men,
 ‘ or any intimations of service he could have per-
 ‘ formed, if he had been supply’d with a few
 ‘ more ships, and some land forces.’

The same was objected to; and after debate thereupon, the question was put, Whether such an address shall be presented to his Majesty? It was resolved in the negative; Content 44, Not Content 71.

Dissentient

Because we conceive, that the house entered into this inquiry with a view to form a proper judgment on the conduct of the war; and some extracts of letters have been laid before us; but such, as we apprehend, do not even answer the demand of the house, much less the end of the inquiry: Yet it appears plainly, from those few extracts, that Admiral *Vernon* has made frequent and grievous complaints of the insufficiency of his stores, and has represented them as fit only for a *Spithead* expedition: We have therefore the strongest grounds to be persuaded, that, in some of his letters, he has made demand of more ships, and more men, tho’ nothing relating to those articles has been laid before us hitherto. Had he been sent out with a greater force at first, or had fresh succours of ships and men with proper stores, been sent after him in due time, we are firmly of opinion, that he would have gain’d such further advantages, as might long before now have proved decisive. By the dilatory proceeding of the administration, as it appears to us, the scene is much changed; the *Spanish* fleet has been suffer’d to sail out of their ports, to carry supplies of all kinds to their garisons; opportunity has been given them to repair their fortifications in *America*; and which is still of more consequence, as we fear, to procure the assistance of another
 2 power,

power, who was not ready, if willing, at that time, to give us any disturbance in those parts.

| | | |
|------------|--------------|------------|
| Greenwich | Carlisle | Aylesford |
| Berkshire | Middleton | Buccleugh |
| Exeter | Montjoy | Cobham |
| Bathurst | Bruce | Beaufort |
| Shaftsbury | Suffolk | Hereford |
| Manfel | Westmoreland | Denbigh |
| Bridgwater | Gower | Abingdon |
| Foley | Haversham | Litchfield |
| Thanet | Ker | |

Protest upon
a motion for
a secret com-
mittee.

Then it was proposed to order, That a secret committee be appointed to inquire into the conduct of the war, consisting of all the Lords of this house, who are of his Majesty's most honourable privy council.

Which being objected to, after further debate, the question was put upon the second proposition; and it was resolved in the negative, Content 43, Not Content 68.

Dissentient

1. Because the necessity of secrecy, and the danger of communicating matters of importance, to so numerous an assembly as this house, having been constantly urged as the only arguments for refusing the lights absolutely necessary for carrying on, with any hopes of success, our inquiry into the unaccountable conduct of the war, we thought the proposing of this committee would fully have obviated those objections, by confining the knowledge of those secrets, (if any such there be amongst those who by the constitution are suppos'd and appointed to be informed of them) and the negative put upon this motion, gives us but too just reason to suspect, that the most material transactions, with relation to this war, have ever been concealed from those, who, by their situa-

tions, ought, in the very instance, to have been consulted.

2. Because the so often urged argument of secrecy proves too much, and may as often, without as with reason, be used in bar of all inquiries, that any administration, conscious either of their guilt or their ignorance, may desire to defeat. It may not only prove the security, but the cause of a sole minister, secrecy being undoubtedly best observed by one; and such a sole minister may, by the same reasoning, as well refuse the communication of measures to the rest of his Majesty's council, and thereby ingross a power inconsistent with, and fatal to, this constitution; and we cannot help observing, that such a timorous and a scrupulous secrecy, is much oftener the refuge of guilt, than the resort of innocence.

Signed by the same Lords as before.

February 3, A debate happened in the same house, which occasioned the following protest.

Protest upon
a motion a-
gainst aug-
menting the
army.

Tuesday, February 3, 1740-41. The order of the day being read, for taking into consideration the several estimates of the charge of the guards, garisons, and other land forces, the charge of his Majesty's forces in the plantations, *Minorca*, and *Gibraltar*, and the charge of seven regiments of foot, and four regiments of marines, to be raised for the year 1741, laid before this house, the 19th of January last:

It was moved to resolve, ' That an humble
' address be presented to his Majesty, humbly
' representing to his Majesty, that this house can-
' not conceive the intended augmentation of land
' forces, to be necessary, either from the present
' situation of affairs in *Europe*, or from any lights
' they have received; such as have always been
' thought necessary by our ancestors, to justify
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‘ the laying any extraordinary burdens on the
 ‘ subject: And most humbly to beseech his Ma-
 ‘ jesty, that if he should however think so great
 ‘ an augmentation absolutely necessary, he will, at
 ‘ least, be graciously pleased, as well for the pre-
 ‘ sent, as for the future ease of his subjects, to
 ‘ order it to be made in the most frugal manner,
 ‘ by such an addition of private men to the pre-
 ‘ sent regiments, as his Majesty, from his own
 ‘ wisdom and knowledge of the practice of most
 ‘ other countries, may judge to be most proper
 ‘ for military service, and least dangerous to this
 ‘ constitution.’

Which being objected to, after long debate thereupon, the question was put, Whether such an address shall be presented to his Majesty? And it was resolved in the negative, Content 49, Not Content 67.

Dissentient

1. Because we conceive, that nothing less than an evident and absolute necessity should prevail with us, to consent to any augmentation of our land forces, which in our opinions are, at present, fully sufficient for any good purposes, either abroad, or at home; being very near equal to the highest establishment, during the whole course of the last general war; the national troops now subsisting (exclusive of those in *Ireland*) amount to 51,515 effective men: Whereas our greatest number of national troops, in the last war, was but 67,000 men, including the non-effectives; which, reduced to the foot of our present establishment, makes but 57,000 effective men; and the present intended augmentation of 10,325 men, is such an exceeding as can only be authoriz’d by the like publick dangers; which dangers not appearing to us, either from the debate, or from any information we have obtained, we are unwilling to trust
 more

more force in the hand of an administration; which (as far as we are able to recollect) have not hitherto employ'd any they have been so trusted with to the honour and advantage of the nation. Extraordinary trust and confidence ought, as we apprehend, only to be placed in such, who, by the experience of their past conduct, have justly establish'd their credit, and intitled themselves to be so trusted. But when we look back upon the several augmentations within these last twenty years, demanded and granted upon causes more strongly asserted, than clearly proved, but visibly without any good end ever attained: And particularly when we reflect, that by a most unaccountable fluctuation and contrariety of measures, a very great augmentation was made in the year 1727, to act in conjunction with *France*, against the house of *Austria*, for whose defence the present augmentation is said to be principally intended: We thought it our duty to endeavour to prevent any unnecessary increase of our land forces, not being influenced either by the pretended apprehensions, or real fears of an administration, the boldest in domestick, but, as we apprehend, the most pusillanimous in foreign transactions.

2. Because we conceive, that dangers alledged from disaffection at home, are, in a great measure, groundless; no symptoms of such disaffection having appear'd for many years, and the principles upon which it was formerly grounded, being almost universally worn out and exploded. And we think it highly necessary to distinguish between disaffection arising only from the conduct of the administration, and disaffection to his Majesty and his Royal Family, though some may desire to blend them. For had the present general dissatisfaction at the inglorious, tho' burdensome measures, of the administration, been, in truth, disaffection to his Majesty, as hath been often falsely suggested by those who desire to con-

found his cause with their own, twice the number of troops now proposed would not be sufficient to secure the peace of the kingdom; but, on the contrary, we are persuaded, that the duty and loyalty of the nation to his Majesty and his Royal Family, and their hopes from his virtues, have check'd and kept the dissatisfaction against the administration within the due bounds of concern and lamentation.

3. Because, considering the advantage of our situation, as an island, and our superiority at sea, it is impossible for us to think ourselves in any danger of an invasion from *Spain*, even if those fleets were now in their ports, which we suffered them to send to *America*: Nor can we conceive, that about 28,000 effective men, now actually in this kingdom, with all the advantages of horse and artillery, is not force sufficient to secure us from any body of foot, that any other power could possibly land on our coasts by surprize. And, as for any great embarkation, it can neither be made on a sudden, nor in secret; we must have timely notice to provide superior fleets, (which, in such a case, we presume, would be allow'd to act) to strengthen our own corps, and render such an attempt wholly impracticable: In which opinion we are the more confirmed, because that in the most glorious year of the last war, when the Duke of *Marlborough* and his army were in the middle of *Germany*, out of the reach of giving us any assistance at home, it was not thought necessary by the wise administration of that time, to keep above nine thousand men in this island, for our defence against *France*, then irritated by our successes; and surely, three times that number must be now abundantly sufficient, unless more are wanted for purposes not thought of by former administrations, nor yet openly avow'd by this.

4. Because,

6.

4. Because, whatever demands may be made upon us by our allies on the continent, we conceive may be answered by the foreign troops now in our pay; and should any further assistance to them be necessary, it will not only be cheaper and safer to us, but more advantageous and agreeable to those powers themselves, that we should furnish our quota's in money, with which they may raise a greater number of men than we are obliged to supply.

5. Because it has been undeniably proved, that this method of augmentation by new corps is, by one third more expensive than that of adding private men to companies; the expence of raising those 5705 men amounting to 116,322*l.* 14*s.* 2*d.* whereas 5780 raised by additional men to companies, with a second lieutenant to each company, would have amounted but to 86,992*l.* 15*s.* which would be not only a present saving of 29,329*l.* but a future saving of 10,134*l.* *per Annum* upon the half-pay of the officers of those seven regiments, the few officers taken out of the half-pay only excepted. And we think, that at a time when the publick expence is so very considerable, the strictest œconomy is requisite, the better to enable a burden'd and indebted nation to continue those expences, that may be more necessary to be borne, than easy to be supplied. And, as to the advantage of the service, the facts plainly proved in the debate, together with the practice of most other nations in *Europe*, and, in particular, of his Majesty's Electoral dominions, convince us, that if this augmentation was made by additional men to companies, with a proper increase of serjeants and corporals, the military service, at least, for which alone it ought to be intended, would be better carried on than by the methods now to be pursued.

6. Because arguments drawn from the usage of

France, we conceive, do not hold with relation to us, it being well known, that the expence of 150,000 *French* troops do not amount to more than 50,000 *English*; that their government, tho' once limited, is now absolute and military; that the poverty of their numerous nobility forces most of them into the army, where the court is glad to engage and keep them in dependence; and that no danger can arise to that constitution from the civil influence, which may attend such an establishment, their Parliament being only nominated by the crown, and long since reduc'd by ministerial arts, from their original power and dignity, to be no more than courts of justice and revenue.

7. Because we apprehend, that this method of augmentation by new corps, may be attended with consequences fatal in time to our constitution, by increasing the number of commissions, which may be disposed of with regard to parliamentary influence only. And when we look back upon the conduct of the administration, in relation to military affairs, we have but too much reason to suspect, that parliamentary considerations have of late been the principal causes of favour and disgrace. We have, lately too, seen new-raised, raw and undisciplined regiments sent abroad upon the most important services; and others, seemingly much fitter for such services, peaceably incamped at home, for no other reason, as is generally supposed, than the different situations of the respective officers of the several corps: But this, at least, is certain, that in all the new-raised regiments sent to *America*, there is but one single member of Parliament, which could hardly have been the case of any equal number of regiments in the whole service. And what further induces us to entertain those suspicions is, that this method of augmentation, by one third the most expensive, and by no means proved to be the most conducive

conducive to the service, should be preferred at this time, when an œconomy proportioned to the greatness of our expences, seems particularly requisite; since the war, by our inaction hitherto, and the advantages thereby given to the enemy, may now probably be of long duration, if not of doubtful success. Our distrust of the motives of this augmentation, which creates at once three hundred and seventy officers, which by the removals in the army may occasion three times that number of new commissions, ought to be the greater, and our care to prevent the ill effects of it the more vigilant, so near the election of a new Parliament; a crisis, when any increase of influence gained to a minister, may give a decisive and incurable wound to this constitution. And we cannot forget that an augmentation of 8040 men was likewise made the very year of the elections of the present Parliament, by bringing over eight regiments from *Ireland*, and by additional men to corps in *Britain*, which time has since shewn were never intended for foreign service, tho' they were said to be designed for the preservation of the dominions of the house of *Austria*, which we then lay under the same engagements both of interest and treaties to defend. The number of officers in Parliament has gradually increased, and is now more considerable than ever; and tho' we think the gentlemen of the army as little liable to undue influence as any other body of men, yet we think it would be very imprudent to trust the very fundamentals of our constitution, the independency of Parliaments, to the uncertain effects of ministerial favour or resentment. And as it is well known, that the four eldest officers of the army (the only officers who have served in any high rank abroad) are now displaced, without any crime having ever been alleged against them, we have great cause to dread,

that an army thus circumstanced, and thus influenced, would, in each capacity, be fatal to our liberties, since ministerial art in Parliaments can alone destroy the essence of our constitution, and open violence alone, the forms of it.

| | | |
|---------------|---------------|------------|
| Ward, | Montjoy, | Bedford, |
| Buccleugh, | Aylesford, | Gower, |
| Denbigh, | Chesterfield, | Carlisle, |
| Westmoreland, | Halifax, | Foley, |
| Exeter, | Shaftsbury, | Thanet, |
| Bridgwater, | Cobham, | Ker, |
| Greenwich, | Bathurst, | Hereford, |
| Bristol, | Litchfield, | Mansel, |
| Berkshire, | Beaufort, | Masham, |
| Falmouth, | Macclesfield, | Talbot, |
| Abingdon, | Bruce, | Haversham. |
| R. Lincoln, | | |

Motion and
Debate upon
the sailing of
the *French*
and *Spanish*
squadrons.

The same day *Samuel Sandys*, Esq; stood up in the house of Commons, and moved to resolve,
‘ That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that this house may be informed, when his Majesty or the Lords Justices first received certain advices of the *Ferrol* Squadron being sailed from that port, and of the *Brest* and *Toulon* squadrons being sailed for the *West-Indies*.’ In this motion he was seconded by *Edmund Waller*, Esq; who upon that occasion spoke in substance as follows, *viz.*

‘ Mr. Speaker,

Mr. Waller's
speech.

‘ Sir, The information now moved for appears to me so necessary in our deliberations on the conduct of the war, that without it we can only conjecture in the dark, and entangle ourselves in an inextricable labyrinth. It is well known, that in war all motions are in a great degree

‘ degree to be regulated by those of the enemy,
‘ and that therefore no vigilance is to be spared
‘ by which any knowledge can be gained of their
‘ designs, nor any method omitted of communi-
‘ cating them to those, who have the direction
‘ of the war. A ministry may, in conducting
‘ military operations, disappoint the expecta-
‘ tions of their country, either by neglecting to
‘ procure intelligence, or by failing to make use
‘ of those opportunities, which seasonable infor-
‘ mation puts into their power, and they may,
‘ when their designs fail of success, justify them-
‘ selves, by proving that they were deceived by
‘ intelligence, which it was reasonable to be-
‘ lieve; or that better intelligence was not at-
‘ tainable; or that they made use, however un-
‘ successfully, of all the forces that could then
‘ be employed, and of all the advantages that
‘ were then in their possession. But how shall
‘ we judge of our administration? How shall
‘ we know what confidence we ought to repose
‘ in their prudence and fidelity, and what mis-
‘ carriages are to be attributed to the chance of
‘ war, or superior force of our enemies, if we
‘ cannot be informed with what diligence they
‘ endeavour at information, and how early they
‘ have notice of the motions of the enemy?

‘ The sailing, or rather escape of the *Ferrol*
‘ squadron, and departure of the *French* fleet,
‘ are the most important events of the present
‘ war; events that threaten very dangerous con-
‘ sequences, no less than descents upon our colo-
‘ nies in *America*, the conquest of our dominions,
‘ the slavery of our fellow-subjects, and perhaps
‘ the destruction of the brave *Vernon*, who is se-
‘ cure in the imagined vigilance of the other
‘ commanders, and may perhaps in a few days
‘ see himself surrounded by formidable squa-
‘ drons of different nations, and exposed to the
‘ attack

‘ attack of forces, to which his little fleet bears
 ‘ no proportion. Nothing appears more evident,
 ‘ than that we had opportunities of observing at
 ‘ least all the preparations of the *French*, and of
 ‘ watching the moment of their departure; and
 ‘ that our force on the coast of *Spain* was suffi-
 ‘ cient to have confined their fleets for ever in
 ‘ their harbours, or to have destroyed them at
 ‘ their first entrance into the open seas, of which
 ‘ we may justly inquire, why it was not attempt-
 ‘ ed, but shall inquire to no purpose, till we
 ‘ know when they departed, that we may confi-
 ‘ der the state of our own forces, and whether
 ‘ our enemies escaped by our negligence, cow-
 ‘ ardice, or weakness.’

Thomas Winnington, Esq; then spoke to the fol-
 lowing purpose.

Mr. *Win-*
nington's
 speech.

‘ Sir, That we cannot deliberate upon subjects
 ‘ which we do not understand, and that there-
 ‘ fore no necessary or useful information ought
 ‘ to be denied to the house, I shall readily ad-
 ‘ mit; but must observe at the same time, that
 ‘ the reputation of the house would be very lit-
 ‘ tle consulted, in demanding information which
 ‘ cannot be given. To address his Majesty to
 ‘ inform us of the time at which the squadrons
 ‘ of our enemies sailed, is to inquire of him,
 ‘ what it ought to be the highest care of those
 ‘ Princes to conceal from him, and which he can
 ‘ only know by having spies in their privy coun-
 ‘ cils. And of what importance is it to inquire
 ‘ what intelligence was brought him, or when
 ‘ he received it, if it appears, that his intelli-
 ‘ gence must be in its own nature uncertain and
 ‘ dubitable? That they have left their ports, is
 ‘ now certain, because they have been twice dis-
 ‘ covered in different parts of the world; but
 ‘ as we can now only form conjectures on their
 ‘ designs

‘ designs and courses, so before they failed, it
 ‘ was impossible to know, when they were fully
 ‘ equipped, or what time was fixed for their de-
 ‘ parture. It is to be remembered, that they
 ‘ form their measures, and make their prepara-
 ‘ tions in their own dominions, and therefore
 ‘ have more advantages of concealing their
 ‘ schemes, than we of discovering them.’

Alexander Hume Campbell, Esq; then spoke thus.

‘ Sir, This motion which has been represented Mr. Camp-
bell's speech.
 ‘ as unreasonable and absurd, is, in my opinion,
 ‘ not only proper but important. It is impor-
 ‘ tant, because it will enable us to judge upon
 ‘ sufficient foundations, of the conduct of the
 ‘ ministry, who are censured by the voice of the
 ‘ nation, for having been either defective in vi-
 ‘ gilance, or in activity, for having been either
 ‘ ignorant by their own fault of the designs of
 ‘ the enemy, or perfidiously passive in permit-
 ‘ ting the execution of them. I am far from
 ‘ believing that such intelligence, as our mini-
 ‘ stry is expected to procure, requires any un-
 ‘ common subtilty, or any other agents than are
 ‘ always employed by every minister, to trans-
 ‘ mit to them informations from foreign courts.
 ‘ Such, I am afraid, are always hovering about
 ‘ our consultations, and I know not why our mi-
 ‘ nisters should be less diligent or less successful,
 ‘ than those of other Princes. If therefore such
 ‘ intelligence might have been obtained, it was
 ‘ criminal not to obtain it; and if the departure
 ‘ of the *Spanish* Squadron was foreseen, it ought
 ‘ to be inquired, why it was not prevented; and
 ‘ if it was only known, when it was too late to
 ‘ hinder it from sailing, why it was not pursued,
 ‘ or why succours were not immediately dis-
 ‘ patched to Admiral *Vernon*. All these ques-
 ‘ tions can only be resolved, in consequence of
 ‘ the

‘ the information which his Majesty shall give
 ‘ us; and for which, it is therefore, in my opi-
 ‘ nion, necessary to petition.’

Henry Pelham, Esq; spoke next to this purpose.

Mr. Pelham's
speech,

‘ Sir, How the regency could be informed of
 ‘ the intention of the *Spaniards* to leave their
 ‘ ports, till it appeared by their departure, or
 ‘ by what means it can be expected, that his
 ‘ Majesty should be now acquainted with their
 ‘ particular course, or farther designs, I confess
 ‘ myself unable to conceive. With regard, Sir,
 ‘ to the intelligence transmitted from foreign
 ‘ courts by agents and spies, a little considera-
 ‘ tion will easily discover, that it is not to be
 ‘ trusted. For what can be generally expected
 ‘ from them, but that they should catch flying
 ‘ reports, or by chance intercept uncertain whif-
 ‘ pers, that they should inquire timorously, and
 ‘ therefore, for the greatest part, of those from
 ‘ whom no satisfactory accounts can be received;
 ‘ and that they should often endeavour to de-
 ‘ serve their salaries by such information as is
 ‘ rather pleasing than true? All the knowledge
 ‘ that can be obtained of an enemy's designs,
 ‘ must arise from a diligent comparison of one
 ‘ circumstance with another, and from a general
 ‘ view of his force, his interest, and his oppor-
 ‘ tunities. And that such conjectures will be of-
 ‘ ten erroneous, needs not to be told. Probability
 ‘ therefore is, in such inquiries, all that can be
 ‘ attained, and he that sits idle in the time of
 ‘ war, expecting certain intelligence, will see his
 ‘ enemies enjoying the advantages of his folly,
 ‘ and laying hold on a thousand opportunities,
 ‘ which he has neglected to improve. The war
 ‘ in which we are now engaged, has been carried
 ‘ on by the administration with the utmost dili-
 ‘ gence and vigour; nor have any measures been
 ‘ omitted,

‘omitted; that could probably produce success,
 ‘and the success of the wisest measures is only
 ‘probable.

‘Should the great Admiral, who is now pre-
 ‘sent in the house, have met the *French* and
 ‘*Spaniards* in the open seas, by what art could
 ‘he arrive at a certain knowledge of their de-
 ‘signs? He might, by his acquaintance with the
 ‘situation and state of neighbouring countries,
 ‘the observation of their course, the periods of
 ‘particular winds, and other hints of observa-
 ‘tion, form probable conjectures; but could
 ‘never reach to certainty or confidence. It
 ‘seems to me, therefore, highly improper to
 ‘petition his Majesty for intelligence, which he
 ‘cannot be imagined to have received; and I
 ‘cannot agree to any motion for that purpose.’

Upon putting the question, it was carried in the negative; however, the same gentleman stood up again immediately, and moved to resolve,
 ‘That an humble address be presented to his
 ‘Majesty, that he will be pleased to give direc-
 ‘tions, that there may be laid before this house,
 ‘copies or extracts of all letters, which have
 ‘been receiv’d from, or written to Vice-Admiral
 ‘*Vernon*, since his going to the *West-Indies*, by
 ‘either of the principal Secretaries of state.’

Motion and
 address for
 admiral *Vernon*'s letters.

Upon this motion *Henry Pelham*, Esq; spoke to this effect:

‘Mr. Speaker,

‘Sir, This motion, if the intention of it be
 ‘limited by proper restrictions, is doubtless rea-
 ‘sonable and just; for the right of this house to
 ‘examine into the conduct of publick affairs, and
 ‘consequently for calling for the papers necessary
 ‘to enlighten their inquiries, is not to be dispu-
 ‘ted. But, as the end of all such inquiries is the
 ‘pro-

Mr. Pelham's
 speech.

‘ promotion of the publick welfare, so they are
 ‘ not to be made in a manner by which that end
 ‘ may be defeated. Papers are not to be de-
 ‘ manded, which cannot be produced without
 ‘ discovering our own secrets, and acquainting
 ‘ our enemies either with that weakness which we
 ‘ ought carefully to conceal, or that force which
 ‘ will be most effectually employ’d, if it is not
 ‘ known, and therefore no preparations are made
 ‘ to oppose it. It cannot be imagin’d, but that
 ‘ many of the papers which have pass’d be-
 ‘ tween the admiralty, and the commander in
 ‘ *America*, contain plans for the prosecution of
 ‘ the war, observations on the conditions of our
 ‘ own colonies, and perhaps, intelligence of the
 ‘ estate of the *Spanish* fortresses and towns. Ma-
 ‘ ny informations of the utmost consequence to
 ‘ our enemies may be collected from those pa-
 ‘ pers, but nothing can be expected from them,
 ‘ that will enable us to prosecute a parliamentary
 ‘ inquiry with more success, that will put it in
 ‘ our power to discover frauds, negligence or
 ‘ treachery.

‘ There are, Sir, other papers, which may in-
 ‘ deed, be laid before us, without any benefit to
 ‘ our enemies, and perhaps with some advantage
 ‘ to ourselves; the papers which contain the ac-
 ‘ counts of our preparations and stores, the lists
 ‘ of our forces, and the calculation of our ex-
 ‘ pences, are the proper subjects of parliamentary
 ‘ inquiries; and if the motion be restrained to those,
 ‘ I believe, it will not be opposed by any gen-
 ‘ tleman engaged in the administration of our
 ‘ affairs. I shall beg leave to propose these
 ‘ words may be added: “ So far as the same re-
 ‘ lates to a supply of ships, marines or land
 ‘ forces.”

This

This amendment being approv'd of by a majority of the house, the motion, thus amended, was agreed to. (See Vol. XX. p. 464.)

February 10, A debate happened in the house of Lords, which occasioned the following protest :

Tuesday, February 10, 1740-41, it was moved to resolve, ' That an humble address be presented to his Majesty, that he will be graciously pleased to give directions to the proper officers to lay before this house all the powers, instructions, memorials, letters and papers relating to the convention concluded between *Great-Britain and Spain*, dated at the *Pardo*, *January 14, 1739, N. S.*'

Protest upon the motion for papers relating to the convention.

A question was started upon the said motion. After debate, the question was put, Whether such an address shall be presented to his Majesty?

It was resolv'd in the negative, Content 46. Not Content 67.

Dissentient

1. Because we thought an inquiry into a transaction of such great importance to the honour, trade and rights of this nation, not only necessary, but totally free from all the objections usually made to the calling for papers. The convention having been concluded in *January, 1739*, and war being since declared against *Spain*, so that we cannot conceive that any discovery prejudicial to this nation, or advantageous to any other, can possibly result from an examination into the minutest particulars of that negotiation; but we rather apprehend from the manifest unwillingness of the administration, to lay any such lights before us, that discoveries of another nature would be the necessary consequence of the

communication of the papers called for in this question.

2. Because, when we combine the conduct of the administration through the whole course of the *Spanish* affairs, with several circumstances that have accidentally appeared to the publick, we conceive every part of that conduct liable to just suspicions of one kind or other. The repeated applications of the merchants, both to the crown and the Parliament, for reparation for their past losses, and future security for their trade, the universal cries of the nation upon their insulted honour and violated rights, the several addresses of Parliament to the crown, and the gracious answers and assurances given by the crown in return, seem'd all to promise a just (and at that time easy) vengeance by the force of our arms, or an effectual reparation of past and solid security against future injuries, by an advantageous treaty of peace; whereas a convention only was concluded, by which a scanty and insufficient reparation for our injured merchants was stipulated, and our most essential and undoubted rights of a free navigation to the *West-Indies*, without search or molestation, was at most referred to the future discussion of plenipotentiaries, if even it was ever mention'd at all.

3. Because it has been asserted in a publick paper dispersed all over *Europe*, by the court of *Spain*, that our pretension to a free navigation, was never so much as mention'd by our ministers, till the conferences arising in consequence of the convention, and that the demand was never made in form till *July*, 1739, which was after the convention was broke by the non-payment of the money stipulated on the appointed 24th of *May*; and tho' we are far from asserting the contents of such papers to be true, yet, as they cannot but raise some doubt, that alone, in a

matter of such great national consequence seems to be a sufficient reason for a strict inquiry, especially since we cannot see any advantage that could arise to the King of *Spain* from asserting these facts, if they were not true; but on the other hand we see very strong reasons why the administration should desire to conceal them, if they are true.

4. Because, if the bare supposition of cases that may possibly exist, is to be used as an argument why the house should not apply for lights, we conceive that the supposition of other cases, equally possible, and it may be more probable, is as good an argument why the house should apply for such informations; consequently, if we suppose that the convention concluded at *Madrid*, Jan. 14, 1739, was originally negotiated and executed at *London* in *August*, 1738, with the *Spanish* minister then residing here, but that upon *Spain's* inserting in the body of the ratification of that convention, an act obliging our *South-Sea* company to pay the sum of sixty-eight thousand pounds towards the reparation to be made to our merchants, which act was then intended to be kept secret, though since discover'd by the necessary communication of it to the *South-Sea* company, and their non-compliance therewith, if we suppose that thereupon the same treaty was re-executed by our minister at *Madrid*, who was instructed at the same time, to consent to an act of the same import, but varied only so as to conceal it; and if we further suppose, that this sacrifice of the *South-Sea* company was originally proposed by one *English* minister to the *Spanish* minister, and upon his accepting it, rejected in an office-letter by another *English* minister, tho' afterwards brought into execution; and if these suppositions are in a great measure confirmed by some of Mr. *Keen's* letters, which have been made publick; we

conceive such transactions ought not to be buried in oblivion, and the author and his accomplices remain uncensured.

5. Because we conceive the argument of its being too late in point of time, can be of no force, and only tends to prove that the house will think no time proper for calling for such papers. Some have been refused to be called for by the house, because they related to the present time, and whilst matters were in transaction, a discovery might be dangerous; others, because they related to future operations, and there also a discovery of designs might be detrimental. The present motion related to matters intirely pass'd, which being rejected, we must give up all further hopes of receiving any lights, relating either to past, to present, or to future transactions. Posterity must therefore be convinced, that we have been reduced to the necessity of taking matters in the gross, and of weighing the sum of things, since the particulars are hid from our sight.

| | | |
|--------------|---------------|-------------|
| Carlisle, | Ker, | Hereford, |
| Bruce, | Macclesfield, | Cobham, |
| Bathurst, | Mansel | Exeter, |
| Northampton, | Falmouth, | Litchfield, |
| Masham, | Ward, | Greenwich, |
| Aylesford, | Gower, | Clinton, |
| Suffolk, | Westmoreland, | Beaufort |

Several debates upon new clauses inserted in the mutiny Bill.

February 24, The house of Commons being in a committee of the whole house, to consider of the mutiny bill, Sir *William Yonge* stood up and spoke to this effect:

Sir *William Yonge's* speech.

' Sir, One of the greatest perfections the laws of any country can be attended with, is, to be so plain, precise, and express in all their clauses, as not to admit of any doubt, uncertainty or

' double

‘ double meaning. This is a rule, which ought
‘ to be observ’d, as far as is consistent with human
‘ weakness, in the forming of every new law, and
‘ in no sort of laws is it more necessary, than in
‘ those that are made for regulating the behaviour
‘ of the civil and military power towards one an-
‘ other; for nothing contributes more towards
‘ making the army and the people live easily to-
‘ gether, than to have their respective rights and
‘ privileges fully and clearly determined, so as that
‘ every soldier may know the utmost he can ex-
‘ pect, and that his landlord, or any other person
‘ he has to do with, may know what is due to
‘ him.

‘ This being the case, Sir, as you are now upon
‘ that annual bill for regulating the army and their
‘ quarters, which passes yearly, in this kingdom,
‘ and as a doubt has arisen upon some clauses in-
‘ serted in all former acts of the same nature, the
‘ duty of my office makes it incumbent on me, to
‘ acquaint you with that doubt, and to propose a
‘ method for obviating it for the future. In all
‘ former mutiny bills, at least in all that have been
‘ of late years passed into laws, it has been enact-
‘ ed, “ That the officers and soldiers quartered as
“ directed by the act, shall be received by the
“ owners of the inns and other houses in which
“ they are so quartered; and shall pay such rea-
“ sonable prices, as shall from time to time be ap-
“ pointed by the justices of the peace, who are
“ thereby impowered to appoint such reasonable
“ rates for all necessary provisions for officers and
“ soldiers, for one or more nights, in all places
“ which they shall come to in their march, or
“ which shall be appointed for their residence and
“ quarters.” And by another clause in the said
‘ bills it has been enacted, “ That the officers,
“ when they receive the pay of any regiment,
“ troop, or company, shall give publick notice
“ thereof,

“ thereof, to all the inns, and other places where
 “ the officers and soldiers are quartered, that they
 “ may bring in their accounts; which accounts
 “ the officer or officers receiving the pay, are re-
 “ quired to accept of, and immediately pay the
 “ same, before the subsistence or pay shall be dis-
 “ tributed, either to officers or soldiers, provided
 “ the said accounts exceed not the several rates
 “ therein mentioned and ascertained.”

‘ From these clauses, Sir, it has been, till very
 ‘ lately, thought, that the owners of inns, and
 ‘ other places where soldiers are allowed to be
 ‘ quartered, were oblig’d to furnish the soldiers
 ‘ with diet and small beer for themselves, and
 ‘ with hay and straw for their horses, if demand-
 ‘ ed; and the owners of inns and other such
 ‘ places have, till of late, generally done so, with-
 ‘ out charging more for it in their accounts, than
 ‘ the pay-master was by act of Parliament required
 ‘ and limited to pay: But of late years a different
 ‘ way of thinking has begun to prevail; and the
 ‘ owners of inns and other places have begun to
 ‘ refuse to furnish the soldiers with diet or small
 ‘ beer for themselves, or with hay and straw for
 ‘ their horses, at the rates allowed by the govern-
 ‘ ment, pretending, that by the words of the act,
 ‘ they are not obliged to furnish soldiers with any
 ‘ of these necessaries, unless they approve of the
 ‘ prices allowed by the government, or appointed
 ‘ by the justices of peace.

‘ One of the first disputes, Sir, of this kind
 ‘ happened but last year at *Wakefield*, where the
 ‘ price of hay had, during the hard frost, risen to
 ‘ an excessive height: Upon this, the justices of
 ‘ peace in that division took the case into their
 ‘ consideration, and appointed the rate for hay for
 ‘ a horse to be *8d. per diem*. As this was *2d. per*
 ‘ *diem* above what was allowed by act of Parlia-
 ‘ ment, the dragoons scrupled paying it, and the
 ‘ officers

‘ officers sent a letter to me upon the subject :
‘ This letter I laid before the Attorney General,
‘ and after he had considered the case, his opinion
‘ was, that the justices of peace had exceeded the
‘ powers given them by act of Parliament ; that
‘ they were to appoint the rates of necessary pro-
‘ visions for the soldiers and their horses, but not
‘ so as to exceed the allowance given by the go-
‘ vernment, and expressly limited by the very act
‘ itself ; and that the owners of inns, and other
‘ houses, where soldiers are appointed by law to be
‘ quartered, were obliged to furnish them with ne-
‘ cessary provisions for themselves and horses, at a
‘ lower rate than what was allowed by law, if the
‘ justices should appoint it to be so, but that nei-
‘ ther they could require, nor the justices appoint
‘ any higher rates to be paid ; and I must say, it
‘ is most reasonable it should be so ; for a soldier
‘ has at all times one certain uniform pay from
‘ the government, his wages do not rise and fall
‘ as other peoples do, according to the price of
‘ provisions, or the demand for workmen, his pay
‘ is always the same, and the allowance appointed
‘ by law is the highest that pay will admit of :
‘ He must be supported, and therefore, in times
‘ of scarcity, you must either augment the pay of
‘ your soldiers, or you must oblige those, where
‘ they are quartered, to furnish them with necessa-
‘ ry provisions at those rates, which their pay will
‘ admit of.

‘ But I must take notice, Sir, that before this
‘ dispute happened, there had been one of much
‘ the same nature at *Ledbury* : There, the owners
‘ of inns, ale-houses, and the like, even refused
‘ the soldiers the use of their fires or utensils to
‘ dress their victuals : They would allow them no
‘ small beer to drink, nor so much as salt to their
‘ pottage. A soldier upon a march cannot carry
‘ a kitchen, a sack of coals, and a cag of small

' beer upon his back; they must be allowed such
 ' things at the places, where they are quartered;
 ' they thought they had a right to insist upon
 ' having them; and this had like to have bred a
 ' tumult betwixt the soldiers and townsmen. This
 ' case was laid before the then Attorney General,
 ' now Lord Chief Justice *Wills*, and his opinion
 ' was, That the owners of the houses where the
 ' soldiers were quartered, were obliged to allow
 ' them diet and small beer at the government's
 ' allowance, or even at a cheaper rate, if the jus-
 ' tices of peace should order it to be so.

' I do not myself, Sir, pretend to any great
 ' knowledge of the law, or to the art of putting
 ' the proper meaning upon the words of an act of
 ' Parliament; but upon these two opinions, I
 ' think, I cannot be accused of passing a rash
 ' judgment, if I say, that soldiers have, by the
 ' laws of this kingdom, a right to insist upon diet
 ' and small beer for themselves, and hay and straw
 ' for their horses, from the owners of the inns or
 ' houses where they are quartered; and, indeed,
 ' to me the sense of the acts of Parliament made
 ' for this purpose, seems as clear as words can
 ' make it. However, there are many lawyers,
 ' it seems, especially in the country, who think
 ' otherwise; and the people depending upon their
 ' opinion, have now in many places begun to re-
 ' fuse diet and small beer to the soldiers quartered
 ' in their houses. I do not know but they may
 ' soon begin to refuse a soldier a bed. They have,
 ' I think, as good a right to refuse the one as the
 ' other; for the law says only, they shall receive
 ' the soldiers quartered upon them: It does not
 ' say, they shall furnish them with beds, no more
 ' than it says, they shall furnish them with diet
 ' and small beer. Till now it has always been
 ' supposed, that by receiving was meant, to fur-
 ' nish the soldier with such a bed as he could lie
 ' on,

‘ on, and with necessary provisions at such a price
‘ as he could pay. But a different interpretation
‘ is now put upon this word; and as the doctors
‘ of the law thus differ among themselves, the
‘ justices of the peace do not know how to be-
‘ have. If you do not put an end to the dispute,
‘ by adding a few explanatory words to the law,
‘ which you are now to revive, a law suit must,
‘ and is to be begun by information, for termina-
‘ ting this dispute.

‘ This, Sir, will be attended with a great ex-
‘ pence to the publick, as well as to the persons
‘ that are to be sued; which, I think, you ought
‘ to prevent, now you have so fair an opportunity.
‘ But what is much worse than the expence at-
‘ tending a law suit, if upon the event of a law
‘ suit, it should be found, that the owners of
‘ houses where soldiers are quartered, are not by
‘ law obliged to furnish them with diet and small
‘ beer at the government’s allowance, or with any
‘ thing else besides house-room, the country peo-
‘ ple, who naturally do not much like soldiers,
‘ will take all the advantage they can of what is
‘ declared to be law, and this may occasion a ge-
‘ neral mutiny in your army; for on the other
‘ hand, the soldiers, men who have got arms in
‘ their hands, and who have been taught how to
‘ use them, won’t like to give up a right, they
‘ think they have a just title to, and a right
‘ which they have enjoyed for at least threescore
‘ years without interruption.

‘ For preventing these dangers, Sir, I have
‘ drawn up a clause, as I thought I was, by the
‘ duty of my office, obliged to do, which I shall
‘ beg leave to lay before you. What I propose is,
‘ That instead of the usual clause for obliging inn-
‘ keepers and others to receive the soldiers billeted
‘ upon them, you should insert a clause as follows:
‘ “ Provided nevertheless, and it is hereby enacted,

“ that the officers and soldiers so quartered and
 “ billeted as aforesaid, shall be received, and fur-
 “ nished with diet and small beer, by the owners
 “ of the inns, livery-stables, ale-houses, victual-
 “ ling-houses, and other houses, in which they are
 “ allowed to be quartered and billeted by this act;
 “ paying and allowing for the same the several
 “ rates herein after mentioned to be payable out
 “ of the subsistence money for diet and small
 “ beer.”

This motion was first opposed by *Samuel Sandys*, Esq; in a speech to the effect as follows, viz.

Mr. Sandys's
 speech.

“ Sir, It is an unfortunate state we are fallen
 “ into, that every session of Parliament must be
 “ attended with new laws, or new clauses in old
 “ laws, for oppressing the industrious subject, and
 “ endangering the liberties of the country. It is
 “ impossible to levy high duties upon the neces-
 “ saries or conveniencies of life, it is impossible
 “ to keep up numerous standing armies, without
 “ such laws, or such clauses; and yet we have,
 “ for twenty years, been contriving how to con-
 “ tinue and increase both. The high duties we
 “ groan under, were introduced for supporting a
 “ heavy and expensive, but necessary war; but
 “ how the keeping up of a numerous standing
 “ army in time of peace, was introduced, I can
 “ no other way account for than by supposing,
 “ that it was necessary for supporting unpopular,
 “ destructive measures, and a hated minister. I
 “ am surprised to hear the forcible quartering of
 “ soldiers, upon publick or private houses, in-
 “ sisted on, as if it were a necessary means for the
 “ support of our government. Sir, if we were
 “ to attend strictly to our constitution, even as it
 “ stands at present, we ought, in no mutiny bill,
 “ to admit of the quartering of soldiers, even on
 “ pub-

publick-houses, except for a few nights, in their march from one garison to another, or for the first night after they arrive at the place designed for their residence. Tho' we now keep up, tho' we have long kept up a great number of standing forces in time of peace, yet, properly speaking, they are no more than is supposed to be necessary for guards and garisons; and accordingly, the resolution annually agreed to in this house is, "That the number of effective men to be provided for guards and garisons in *Great Britain*, for the ensuing year, shall be such a number as is then thought necessary." Before the Revolution we had guards and garisons, even in time of peace; but before the Revolution, nor for some years after, we had no quartering of soldiers, either upon publick or private houses, in time of peace, without the consent of the owner. On the contrary, by an express law, the latter end of King *Charles* the II^d's reign, it was enacted, "That no officer, military or civil, or other person, shall quarter or billet any soldier upon any inhabitant of this realm, without his consent;" which law stood in force till near the end of the year 1692, when the first law was made for quartering soldiers in publick-houses.

Before that year, Sir, our guards and garisons, by which, I mean all the soldiers we had on foot, even in their marching from one place to another, were obliged to quarter themselves as other travellers do, in houses that were willing to receive them; and when they came to any garison or place where they were to reside, every officer and soldier provided quarters for himself; in which, I believe, there was no inconvenience found; for when soldiers behave civilly, and are agreeable to the people, there will always be houses enough, either publick or private,

‘ private, that will be glad to receive them for
 ‘ what they are able to pay, unless there be a
 ‘ greater number of them than the place can con-
 ‘ veniently accommodate. From the Revolution
 ‘ to the year 1692, we had a sort of civil war
 ‘ amongst ourselves, for *Ireland* was not intirely
 ‘ reduced till the end of the year 91; and as
 ‘ *inter arma silent leges*, perhaps, during that time,
 ‘ some liberties were taken with the laws, in re-
 ‘ spect to quartering or billeting of soldiers. But
 ‘ in the year 92, the domestick tranquillity of
 ‘ the three kingdoms being re-established, the
 ‘ Parliament began to think of restoring the laws
 ‘ to their pristine force. However, as we were
 ‘ then engaged in a dangerous foreign war, and
 ‘ upon that account obliged to keep a greater
 ‘ number of troops in the kingdom than usual;
 ‘ and as our troops were often obliged to march
 ‘ in great bodies, either from one place of the
 ‘ kingdom to another, as danger threatened, or
 ‘ through the kingdom in their way to *Flanders*,
 ‘ the Parliament saw it would be necessary to
 ‘ provide quarters for them upon their march, in
 ‘ a different manner from what had before been
 ‘ allowed by law; and therefore in the mutiny
 ‘ bill for the ensuing year, which then first began
 ‘ to be entitled, A bill for punishing officers and
 ‘ soldiers who shall mutiny or desert their Ma-
 ‘ jesties service, and for punishing false musters,
 ‘ *and for the payment of quarters*, the clause for
 ‘ quatering soldiers in publick-houses, without
 ‘ consent of the owner, was introduced, and has
 ‘ ever since remained in all the mutiny bills pas-
 ‘ sed, to this very day; for a favourite power
 ‘ once granted to the crown, is seldom recovered
 ‘ by the subject, without some remarkable revo-
 ‘ lution in our government.

‘ But, by this clause, as the act then stood, it
 ‘ was not intended, that soldiers should be quar-
 ‘ tered

‘tered or billeted in the places appointed for
‘their residence, even upon publick-houses, with-
‘out the consent of the owner. At least it was
‘not intended, they should be so quartered for
‘any longer than the first night after their arrival.
‘That this was the intention of the act, is, I
‘think, plain, from the next clause of the act,
‘whereby it is enacted, “That officers and sol-
“diers billeted, as directed by the preceding
“clause, shall pay such reasonable prices as shall
“be appointed by the justices of peace in their
“quarter-sessions; and the justices are thereby re-
“quired to set rates for provisions, for one or
“more nights in their marching, *and for the first
“night only in places appointed for their residence.”*”

‘This, I think, Sir, plainly shews, that in
‘places appointed for the residence of soldiers
‘for any time, neither officer nor soldier was to
‘be quartered for more than the first night, upon
‘any house, publick or private; and the reason
‘is evident, because, being then settled, if they
‘could not agree with their landlords where they
‘were first lodged, for a continuance, they might
‘next day look out for, and provide new lodg-
‘ings or quarters for themselves. It was not then
‘intended to give any soldier, and much less an
‘officer, a right to lodge in the best room of
‘an inn or ale-house, without paying any thing
‘for it, and that, perhaps, for a year, or several
‘years together. Even when they were upon a
‘march, or for the first night after their arrival
‘at the place appointed for their residence, they
‘were not to have their lodging absolutely free;
‘because the justices were certainly to have a re-
‘gard to the expence and trouble of lodging them,
‘when they settled the rates they were to pay for
‘provisions. The modern practice of giving
‘every officer and soldier a free lodging in the
‘house where he is quartered, whether he spends
‘any

‘ any of his money there or no, and even in the
 ‘ place where he is appointed to reside, as well as
 ‘ when he is upon a march, would then have
 ‘ been rejected with great contempt, if it had
 ‘ been proposed; for it is really laying a tax upon
 ‘ the subject, without the consent of Parliament,
 ‘ at least without any such consent obtained in a
 ‘ regular manner, and according to the usual me-
 ‘ thods of proceeding in Parliament, when the
 ‘ subjects, or any part of them, are to be loaded
 ‘ with a new tax. But, a foundation being thus
 ‘ laid for obliging our publick-houses to give free
 ‘ lodging to the soldiers for a few nights in their
 ‘ march, and for the first night after their arrival
 ‘ at the place where they were appointed to re-
 ‘ side, a pretence was from thence taken to insist,
 ‘ that soldiers were always to be a load upon our
 ‘ publick-houses, and to be intitled to have al-
 ‘ ways a free lodging even in the places appointed
 ‘ for their residence. Perhaps the words of this
 ‘ first law were left a little doubtful, on purpose
 ‘ to draw this inference from them; but this was
 ‘ not enough, for in order to give soldiers a less
 ‘ doubtful title to this free lodging for ever, the
 ‘ words of the law were afterwards altered, and
 ‘ the justices were required to set and appoint
 ‘ such reasonable rates for all necessary provisions
 ‘ for such officers and soldiers, for one or more
 ‘ nights, in the several places which they shall
 ‘ come to in their march, *or which shall be ap-
 ‘ pointed for their residence and quarters.*

‘ Thus, Sir, you see what an incroaching
 ‘ thing an army is, and, I wish it did not in-
 ‘ croach upon us in any more dangerous respect.
 ‘ This of free lodging for soldiers is now be-
 ‘ come a continual and settled tax upon the pub-
 ‘ lick-houses, in all places where soldiers are
 ‘ usually appointed to reside. Every such house
 ‘ has generally one soldier at least quartered
 ‘ upon

‘ upon it; and if the landlord does not give his
‘ guest such a lodging as pleases him, he must
‘ pay him such a sum weekly as he shall de-
‘ mand, for his furnishing himself with a lodging.
‘ Here in *Westminster* it is by custom settled at
‘ 9d. a week, that is 39s. *per Annum*, for a com-
‘ mon soldier; and consequently the officers, if
‘ they should insist on it, might surely demand
‘ a great deal more. Is not this, Sir, taxing the
‘ subject? Is it not increasing the pay of the sol-
‘ dier, without any proper legal authority for
‘ either? This tax, Sir, is the more grievous, be-
‘ cause of its being raised upon a part of the peo-
‘ ple only; and it is the more dangerous, because
‘ a minister may raise it in what places, and in
‘ what proportions he pleases, and consequently
‘ may make it a handle for oppressing those coun-
‘ ties, cities, and boroughs, that do not send him
‘ up such members to this house, as he shall please
‘ to direct. But this handle is not, it seems,
‘ sufficient, therefore some new strength must be
‘ added to it; and for this, a pretence is taken
‘ from some clauses in our late mutiny acts,
‘ which, I think, can admit of no such mean-
‘ ing. The inn-keeper, or victualler, must now,
‘ it is said, furnish the soldiers quartered upon
‘ him, not only with lodging, but also with
‘ board, both according to the liking of the sol-
‘ dier, and yet he is to have no more for both
‘ than a groat a day, even in times of the
‘ greatest scarcity. The soldier may insist upon
‘ what sort of victuals, and what quantity he
‘ pleases, but let him eat of what he will, or
‘ how much he will, the poor landlord must
‘ not charge above a groat a day. In times of
‘ plenty, the soldier will furnish himself, be-
‘ cause he can, perhaps, do it at two-pence a
‘ day; but in times of scarcity, he will oblige
‘ his

‘ his landlord to furnish him, because he cannot
 ‘ do it, perhaps, under eight-pence a day. Is this
 ‘ just, Sir? Is it equitable? Is it possible to sup-
 ‘ pose that an act of Parliament should establish
 ‘ such an imposition?

‘ I do not know, Sir, nor do I much regard,
 ‘ what opinion the lawyers may have given, be-
 ‘ cause they generally give their opinion accord-
 ‘ ing as the case is stated to them; and there-
 ‘ fore, when the case is falsely stated, their opi-
 ‘ nion must be wrong. This seems to be the
 ‘ case at present. The question is not, what an
 ‘ inn-keeper or victualler may demand, if he
 ‘ does furnish the soldiers quartered upon him
 ‘ with provisions; for it is plain he cannot de-
 ‘ mand, at least he cannot recover, more than a
 ‘ groat a day; because the pay-master can stop
 ‘ no more of a soldier’s pay on that account;
 ‘ and how the victualler can otherwise recover
 ‘ it, I believe no lawyer, nor even a conjurer
 ‘ can tell. The only question therefore is, whe-
 ‘ ther an inn-keeper or victualler be obliged to
 ‘ furnish the soldiers quartered upon them with
 ‘ provisions; and this, I think, admits of as lit-
 ‘ tle doubt as the other. He certainly is not
 ‘ obliged to do so, by any express words in the
 ‘ mutiny bill passed last year. By a clause in
 ‘ that bill, as well as many former, the inn-
 ‘ keeper is obliged to receive the soldiers quar-
 ‘ tered upon him: He must let them into his
 ‘ house: He must not shut his doors against
 ‘ them; but this is all he is obliged to do by
 ‘ that law: Even his furnishing them with beds,
 ‘ is by that law left, as it should be, depending
 ‘ upon his courtesy; and hitherto it has pro-
 ‘ duced no dispute, nor have the soldiers been
 ‘ left unaccommodated, except in a few very
 ‘ extraordinary cases, which can afford no foun-
 ‘ dation for any alteration in the law.

‘ Both the instances that have been mentioned,
‘ are of this kind. The dispute at *Wakefield* I
‘ am far from being surprized at ; I am surpris-
‘ zed, Sir, there were not such disputes last win-
‘ ter all over the whole kingdom. It was cruel
‘ to oblige inn-keepers to furnish hay and straw
‘ to the soldiers horses, at the rate of six-pence
‘ *per diem*, when hay and straw bore such mon-
‘ strous prices ; nay, when their own cattle were
‘ perhaps dying for want. The justices were in
‘ the right to allow eight-pence. Can it be said,
‘ that a trooper or dragoon could not afford
‘ eight-pence for his horse, at a time when there
‘ was such a scarcity of all sorts of fodder ?
‘ Why may not a trooper or dragoon live upon
‘ four-pence as well as a foot soldier ? Suppose
‘ he allowed eight-pence for his horse, he had
‘ four-pence a day for himself ; and with that,
‘ or with the worse fare for himself, he should
‘ have been content ; especially as he knew, the
‘ scarcity of fodder could not be of a very long
‘ continuance.

‘ The affair at *Ledbury* too, Sir, was a case
‘ of a very extraordinary nature. The people
‘ there did not like at that time to have any sol-
‘ diers among them, or at least not so many of
‘ them ; because they thought themselves op-
‘ pressed, and knew that the soldiers were sent
‘ there, to prevent their taking their own way
‘ for freeing themselves from that oppression.
‘ I do not say it was wrong to send soldiers
‘ there, or to send such a number of them ; be-
‘ cause, whether the people were oppressed or
‘ no, they had taken a very wrong method to
‘ free themselves from that oppression. They
‘ had chosen a riotous and tumultuous way of
‘ doing it ; and a gentleman in the neighbour-
‘ hood, who had acted the part of a bold and
‘ worthy magistrate, had not only been insulted
‘ by

‘ by the mob, but was in danger of being murdered by them. The people in that neighbourhood had behaved in a most riotous and obstinate manner upon that occasion; but surely the obstinacy of the people in a particular corner, and upon a particular occasion, is not to be pleaded as a reason for oppressing the whole kingdom.

‘ The few disputes that have happened, Sir, in such a long course of years, between the soldiers and the people where they are quartered, is a much stronger reason for continuing the law as it is. The harmony between the soldiers and the people may hitherto be said to have been general: But do not let us depend, Sir, upon the continuance of this harmony, if we should begin to keep up a greater number of troops, or even if we should continue to keep up the same number for many years to come. The people must always suffer many hardships by the quartering of soldiers, and these hardships must increase or diminish in proportion as we increase or diminish our standing army. The people have for many years expected a diminution of our army, and consequently a diminution of the hardships they suffer from thence. They have every year hoped it would be the last, and that the next year would put an end to most of the hardships they suffered on account of our army. However sharp-sighted our ministers and parliament-men have been, in seeing those dangers, which have all along been pretended as the reason for keeping up such a numerous standing army, the people could perceive none of these dangers, or at least they supposed, that such tremendous prospects would not regularly present themselves to view every succeeding winter, and this confirmed them in
‘ their

‘ their annual hopes, that next session of Parliament would reduce the army, and that our regular troops would at last come really to be, what they are every year supposed to be by Parliament, nothing but guards and garisons, which would of course free all those who do not live in the purlieus of a garison, or the sunshine of a court, from the burden of quartering soldiers.

‘ But, Sir, the people have been so long disappointed in these expectations, that is to be feared, they will soon grow desperate. They will despair of ever seeing themselves relieved from the hardships they groan under, with respect to the army. The suspicion will become general, that such a numerous army is not kept up to protect us against foreign dangers, or because it is necessary for the just ends of government, but because it is necessary for supporting and enforcing the weak or oppressive measures of an administration. In this case, every corner of the kingdom will become a *Ledbury*: The soldiers will become every where hateful to the people, and the people will become despicable in the eyes of the soldiers. There will then be no courtesy, no harmony between the soldiers and the persons upon whom they are quarter’d. The latter will furnish nothing to their unwelcome guests, but what they are in the utmost strictness of law obliged to furnish; and every soldier will exact with the utmost rigour, whatever he thinks himself entitled to by law. This will of course occasion many broils between the people and the soldiers, and may at last occasion an insurrection; which will probably end in a total reduction of the army, or in the establishment of a military government.

‘ This consequence, I say, Sir, is to be apprehended even from the army you have now on foot, and from the laws you have now in force,

' with regard to the quartering of foldiers; but
 ' if by new laws you increafe the demands of the
 ' foldier upon his quarters, and at the fame time
 ' oblige the perfons upon whom he is quarter'd
 ' to anfwer thofe demands, the approach of this
 ' fatal confequence will be very much accelerated.
 ' I fay, Sir, if by any new law you increafe the
 ' demands of the foldier; for whatever gentlemen
 ' may think, the foldier's demands upon his quar-
 ' ters will be very much increafed by what is now
 ' propofed. At prefent he does not think, that
 ' his landlord is obliged to furnifh him with diet
 ' and fmall beer at the rate of a groat a day,
 ' and therefore he defires no better fare than may
 ' be furnifhed at that price; but if you oblige
 ' the landlord to furnifh the foldier with diet
 ' and fmall beer for a groat a day, the foldier
 ' will infift upon much better provifions, and
 ' perhaps a greater quantity too, than what he
 ' now chearfully accepts of. The immediate
 ' confequence of this will be, that a great many
 ' of our inn-keepers and other publick houfes
 ' will give over that bufinefs, and betake them-
 ' felves to fome other way of living. This
 ' will increafe the burden upon thofe that conti-
 ' nue in the bufinefs, which will foon make ma-
 ' ny of them follow the fame courfe; fo that at
 ' laft you may not have, in many places, a fuffi-
 ' cient number of publick-houfes, for receiving a
 ' party of foldiers upon their march; and the
 ' confequence of this is, that they muft either lie
 ' in the fields, or be quarter'd upon private
 ' houfes. The former they would not fubmit
 ' to, the latter I dread to think of, and therefore
 ' I am againft the claufe propofed.'

Upon this Sir *William Yonge* flood up a-
 gain, and fpoke in fubftance thus.

Sir Wil-
 liam Yonge's
 reply.

' Sir, When I opened this affair to you, and
 ' gave my reafons for the claufe I took the li-
 ' berty

' berty to offer, I told you, that the case had
 ' been lately rendered doubtful, by some peo-
 ' ples refusing to furnish the soldiers quartered
 ' upon them, with diet and small beer, or indeed
 ' with any thing else; and that upon this a law-
 ' suit was intended to be commenced, in order
 ' to have this question determined. If there had
 ' been any express words in the law for obliging
 ' inn-keepers and others to furnish the soldiers
 ' quartered upon them, with diet and small beer,
 ' at the rate of a groat a day, no such doubt
 ' could ever have arisen, no man would have
 ' been so mad as to have refused it, when the
 ' express words of the law appeared against him,
 ' nor would there have been any necessity to
 ' have troubled you with a new clause upon this
 ' occasion. But will the honourable gentleman
 ' say, that nothing is ever comprehended within
 ' the meaning and intention of a law, tho' not
 ' declared in express words? This is the very
 ' case now before us: The question that has ar-
 ' sen, is not upon the express words, but upon
 ' the meaning and intention of the law; and if
 ' there was ever any obligation created or estab-
 ' lished by inference from the meaning and in-
 ' tention of a law, I think, there is, from the
 ' meaning and intention of this law, a plain ob-
 ' ligation laid upon inn-keepers and others, to
 ' furnish the soldiers quartered upon them, with
 ' a convenient lodging, at least with as conve-
 ' nient a lodging as they can afford, and with
 ' necessary provisions; that is to say, diet and
 ' small beer, at such a rate as shall be appointed
 ' by the justices, not exceeding a groat a day.

' This, Sir, is my opinion, and in this opinion I
 ' am supported, not only by the opinion of seve-
 ' ral eminent lawyers, but also by as plain in-
 ' ferences as were ever in this world drawn from
 ' any law. This, I think, will appear evident,
 ' if we will but seriously consider the two clauses

‘ in the last mutiny act, which relate to this ques-
 ‘ tion. The first says, “ That soldiers quarter’d
 “ as aforesaid, shall be receiv’d by the owners of
 “ inns, and other houses, in which they are al-
 “ lowed to be quarter’d by that act; and shall
 “ pay such reasonable prices as shall be appointed
 “ from time to time by the justices:” And
 ‘ then, by the same clause, the justices are im-
 ‘ power’d and requir’d to set and appoint rea-
 ‘ sonable rates for all necessary provisions for such
 ‘ soldiers. Now, Sir, if the law did not intend
 ‘ to oblige the inn-keeper to furnish the soldiers
 ‘ with necessary provisions, for what end was the
 ‘ justice obliged to interfere? If the inn-keeper
 ‘ was to agree to furnish the soldier with necessa-
 ‘ ry provisions, he would not certainly agree,
 ‘ unless the soldier on his part agreed to pay
 ‘ him such prices as he insisted on; and, if they
 ‘ two agreed together, what had the justice to do
 ‘ in the affair, or why should the law oblige
 ‘ him to interpose? Nay, his interposition would
 ‘ signify nothing; for if the inn-keeper agreed
 ‘ to take less than the rate appointed by the jus-
 ‘ tices, they could not prevent his taking less;
 ‘ and if the soldier agreed to pay more, they could
 ‘ not prevent his paying it. Therefore, from the
 ‘ law’s requiring the justices to interpose, I think
 ‘ it is evident, that it meant to oblige the inn-
 ‘ keeper to furnish the soldiers quarter’d upon
 ‘ him, with necessary provisions; because, other-
 ‘ wise, the greatest part of this clause would be
 ‘ most impertinent and useless.

‘ The other clause, Sir, which relates to this
 ‘ question, is that which is intended for securing
 ‘ the inn-keeper’s payment; and here I must
 ‘ observe, that one of the chief designs of this law,
 ‘ as appears from the very title, is to provide effec-
 ‘ tually for paying the quarters of the army; and
 ‘ how does it provide? By enacting, “ That the
 “ pay-

“ pay-master, when he receives the soldiers pay,
 “ shall give notice to all inn-keepers and others
 “ to bring in their accounts; and that he shall
 “ accept of, and immediately pay those accounts,
 “ before any part of the subsistence be distributed
 “ to the soldiers; but with this proviso, that such
 “ accounts shall not exceed *4d. per diem* for a
 “ foot soldier’s diet and small beer.” Can we sup-
 ‘ pose that a law chiefly intended for securing
 ‘ the payment of the army’s quarters, would have
 ‘ had such a proviso, if it had intended, either that
 ‘ the inn-keeper should have liberty to charge
 ‘ more, or that the justices should have a power
 ‘ to appoint a higher rate for that article. To
 ‘ suppose so is, I think, supposing the law-
 ‘ makers to have been guilty of a very great
 ‘ absurdity. But the contrary is, in my opinion,
 ‘ very evident. They wisely consider’d the ut-
 ‘ most a soldier could allow for diet and small
 ‘ beer; and they restrained both the inn-keeper
 ‘ and justice from exceeding that sum. The
 ‘ inn-keeper must therefore take care to provide
 ‘ such diet and small beer for his soldier, as may
 ‘ be afforded for that price; and this the soldier
 ‘ must be satisfied with, because he can pay for
 ‘ no better.

‘ Thus, Sir, as to the question’s being with-
 ‘ out any doubt, I agree with the honourable
 ‘ gentleman that spoke last; and yet, he and I
 ‘ differ very widely in our opinion. He thinks
 ‘ it is the negative side of the question that is
 ‘ certain and without any doubt, and I think it
 ‘ is the affirmative. I think, that by a plain in-
 ‘ ference from, tho’ not by any express words in
 ‘ the law, the inn-keeper is certainly obliged to
 ‘ furnish the soldier quarter’d upon him with diet
 ‘ and small beer, at a groat a day; and he
 ‘ thinks that neither from the words nor the
 ‘ meaning of the law, the inn-keeper can be

' obliged to furnish the soldier with diet and
 ' small beer, at that or any other price; but that
 ' if he does furnish him, he can recover no
 ' more than a groat a day. I shall not there-
 ' fore say it is a doubt, because that word seems
 ' to offend, but it is a difference in opinion that
 ' makes the clause I have offer'd necessary; and
 ' as we have now the opportunity before us, I
 ' think we ought to determine that difference,
 ' and prevent the expence of a law-suit, both to
 ' the publick and to the private persons that
 ' may be concerned. As we are now apprised
 ' of this difference in opinion, about the mean-
 ' ing of some of the clauses in the former law,
 ' I think, it would be a neglect of duty in us to
 ' revive that law, without determining that dif-
 ' ference; for, I am sure, we ought not, know-
 ' ing, to make a law that must create a law-suit,
 ' and there is nothing more apt to occasion dis-
 ' putes, and even broils between the soldiers and
 ' the people upon whom they are quarter'd, than
 ' their differing in opinion about their respective
 ' rights.

' I am so well convinced, Sir, of the inconve-
 ' niencies and dangers that may ensue, from lea-
 ' ving this difference in opinion subsisting,
 ' that I should rather chuse to have it expressly
 ' declared, that inn-keepers shall not be oblig'd
 ' to furnish the soldiers quarter'd upon them with
 ' diet and small beer, than to have it remain in
 ' the uncertainty it is at present. But if you
 ' should determine the question in this way, I
 ' am persuaded no inn-keeper, victualler, or other
 ' person, upon whom soldiers are usually quar-
 ' ter'd, would furnish them with provisions at the
 ' rates which they are able to pay. The justices
 ' appointing a certain rate for provisions would
 ' in that case signify nothing; because, if the
 ' inn-keeper did not like the rate appointed by
 ' the

‘ the justices, he would furnish no provisions :
‘ The soldier must provide for himself; and this
‘ might be render’d impossible by a combination
‘ among the tradesmen and inhabitants of a
‘ country town, which combination would, very
‘ probably, be enter’d into in all country towns,
‘ and even in cities, that do not like to have any
‘ soldiers among them. There is, therefore, I
‘ think, a necessity for obliging some sort of
‘ people or other to furnish the soldiers with ne-
‘ cessary provisions; and none are so proper to
‘ be laid under this obligation as the persons up-
‘ on whom they are quarter’d.

‘ Then, Sir, with regard to what the soldier is
‘ to pay for diet and small beer, you may settle
‘ it at what you will, or not settle it all if you
‘ please; but I am very sure, a soldier cannot pay
‘ above a groat a day for diet and small beer, be-
‘ cause the subsistence money actually paid him by
‘ the government, never, or but very seldom, ex-
‘ ceeds that sum : A common soldier has, indeed,
‘ sixpence a day allowed him; but then, the de-
‘ ductions made for cloathing, for stockings, shoes,
‘ shaving, and other incidents, reduces his pay
‘ to very little above a groat a day for his sub-
‘ sistence. This, therefore, is the highest he can
‘ give for diet and small beer; and as a house-
‘ keeper may always provide for a single man
‘ lodged in his house, at a cheaper rate than such
‘ single man can provide for himself, I am con-
‘ vinc’d, there is not, at present, a place in *England*,
‘ where a house-keeper may not furnish a soldier
‘ lodg’d in his house with diet and small beer,
‘ at less than a groat a day. In times of scar-
‘ city, tis true, it may be difficult to furnish him
‘ with diet and small beer, at a groat a day; but
‘ at such times, the soldier must take up with the
‘ worse fare; and as they very seldom happen,
‘ they cannot be made a foundation for any esta-
‘ blish’d regulation. A famine may, indeed,

' arise in the land: Such a scarcity of provisions
 ' of all kinds may happen, as to render it im-
 ' possible for a soldier to subsist upon a groat a
 ' day; but if any such calamity should happen
 ' in the country, and should continue for any
 ' time, it would be absolutely necessary for the
 ' government, to make a temporary addition to
 ' the soldiers pay; for it is not to be expected,
 ' that a body of men with arms in their hands,
 ' will allow themselves to starve. You must en-
 ' able them to purchase a subsistence: If you do
 ' not, they will take it by force. You must pro-
 ' vide for them by law: If you do not, they
 ' will provide for themselves against law. If
 ' you oblige the owners of houses where sol-
 ' diers are quarter'd, to furnish them with diet
 ' and small beer at a groat a day, it may in a
 ' time of scarcity, in some places, be a loss to
 ' the owners of such houses; but that loss, I
 ' hope, will never be general, or of any long
 ' continuance, and consequently can never be so
 ' great as to come within the notice of the law,
 ' for *de minimis non curat lex*.

' I shall grant, Sir, that if such a scarcity as
 ' this were to be of any long continuance, and no
 ' additional pay given to the soldiers, in order to
 ' enable and oblige them to make an additional
 ' allowance to their landlords for diet and small
 ' beer, it would force many of our publick-houses
 ' to give over their business, because the loss they
 ' had sustained would disable them from continu-
 ' ing it; but an inn-keeper, alehouse-keeper, or
 ' victualler's being at a small loss for a week or
 ' two in a year, or for a month or two in seven,
 ' by being obliged to furnish the soldiers quartered
 ' upon him with diet and small beer, will never
 ' force him to give over his business, even though
 ' our army were much more numerous than it is;
 ' nor will his being so obliged, occasion any broils
 ' between him and the soldiers; because, if they
 ' shoul

‘ should not rest satisfied with such fare as he may
‘ afford them for a groat a day, and should, on
‘ that account, be uncivil and troublesome in their
‘ quarters, he may have an easy remedy, without
‘ any expence, by complaining to the command-
‘ ing officer, who must, in order to recommend
‘ himself to the government, be always ready to
‘ hear such complaints, and to give redress by
‘ punishing the soldier when he deserves it.

‘ From this consideration it is, Sir, that if any
‘ thing is, by law, to be left to courtesy and civi-
‘ lity, it ought, I think, to be left to the courtesy
‘ and civility of the soldier rather than his land-
‘ lord; because the former may, by martial law,
‘ be punished for want of courtesy or civility, but
‘ I know no law by which the latter can; and,
‘ from experience we find, we have less reason to
‘ accuse soldiers of want of civility, than we have
‘ to accuse their landlords; which may be owing
‘ to this very reason, that the officers are always
‘ at hand, and have a power to punish soldiers for
‘ any rude behaviour in their quarters, whereas,
‘ the persons upon whom they are quartered, are
‘ liable to no such check. In the affair at *Wake-*
‘ *field*, if it had not been for a most seasonable
‘ and prudent interposition of the commanding
‘ officer, a most dangerous tumult might have
‘ ensued; for the townsmen had exasperated the
‘ soldiers to such a degree, that it was with the
‘ utmost difficulty the commanding officer pre-
‘ vented their coming to blows; and, if he had
‘ not had a great deal of prudence, as well as
‘ great authority over the men under his com-
‘ mand, he could not have restrained them from
‘ revenging themselves upon some of those per-
‘ sons that had used them so ill. I shall, there-
‘ fore, never be afraid of putting it in the power
‘ of soldiers, to demand from their landlords what
‘ is necessary for their subsistence, at such prices as
‘ they

‘ they can afford to pay; but I am extremely afraid of putting it in the power of those persons upon whom soldiers are quartered, to make it impossible for them to subsist; which will, I think, be the case, if you do not agree to some such regulation as I have proposed.

‘ The honourable gentleman says, the cases that have been mentioned are of an extraordinary nature, and ought not, therefore, to be made a foundation for altering the law. Sir, the case of *Wakefield*, and the case of *Ledbury*, are not the only two cases that might be mention’d: In many other places, as well as there, the inn-keepers and alehouse-keepers have refused to furnish the soldiers with diet and small beer, or with fire and the necessary utensils for dressing their own provisions; and now the question is started, I make no doubt, but that in a short time the soldiers will meet with the same refusal in every corner of the three kingdoms. It was never questioned, till very lately, but that an inn-keeper or victualler was obliged to furnish the soldiers quartered upon him with diet and small beer, at such rates as the justices should appoint, not exceeding a groat a day; but of late they have been by some lawyers advised, that they are not obliged by law to do so; and therefore we may expect, that from henceforth, none of them will furnish the soldiers quartered on them with diet or small beer, or with firing, salt, or any kitchen utensil for dressing the provisions they buy for themselves, which, in my opinion, will make it impossible for the soldiers to subsist, especially when they are upon a march from one part of the kingdom to another; and the necessary consequence of this will, I think, be a mutiny in the army, which I dread much more than any danger that can arise from obliging inn-keepers and others, to furnish the soldiers quartered up-
‘ on

‘ on them, with diet and small beer, at such reasonable rates as the justices shall appoint, not exceeding a groat a day.

‘ I shall admit, Sir, that it is a little unequal, and will be a sort of hardship upon the owners of publick-houses, to oblige them to furnish soldiers with diet and small beer at a groat a day, when provisions are dear; and yet, to leave it in the power of the soldier to furnish himself, or in the power of the justices to make the owners of such houses take less, when provisions are cheap; this, I say, I shall admit to be a hardship, because in times of plenty the owners of such houses can have no opportunity to repair the loss they suffered in times of scarcity. But, Sir, it is a hardship arising from publick necessity, and must therefore be submitted to. Is not the quartering of soldiers a hardship as well as this? And yet no scruple has ever been made to subject the owners of publick-houses peculiarly to this hardship. It is a less hardship upon them, than it would be upon any other part of the people; and as their business is more profitable and easy, than most other sorts of employments, which people of an inferior degree usually betake themselves to, the Parliament wisely, and I think, justly too, resolved, that they alone should bear this burden, as often as publick necessities should require. The inequality, therefore, of this burden or tax, if you please to call it so, is not to be complain’d of; and if the quartering of soldiers were made a handle of for oppressing any city, borough, or corporation in the kingdom, especially for the sake of influencing elections, I make no doubt, but that we should soon hear a complaint of it in this house, and upon that complaint I as little doubt, that the authors of such oppression would meet with condign punishment.

‘ Thus,

‘ Thus, Sir, as I see no dangers that can accrue
 ‘ from the clause I have offered; as I apprehend
 ‘ many inconveniencies, and even danger too,
 ‘ from the law’s being left as it is, I must still
 ‘ hope to see what I have taken the liberty to of-
 ‘ fer, or some clause to the same effect, made a
 ‘ part of the bill now under your consideration.’

The next that spoke was *Edward Harley*, Esq;
 now Earl of *Oxford*, whose speech was to the fol-
 lowing effect.

Mr. Harley’s
 speech.

‘ Sir, The obscurity and uncertainty of the law
 ‘ now under our consideration, proceeds from a
 ‘ very natural cause, a cause which renders all
 ‘ laws obscure, that are intended by the promoters
 ‘ to incroach upon the rights, liberties, and privi-
 ‘ leges of the people. By the laws of *England*,
 ‘ ever since we had such a thing as an established
 ‘ constitution, a man’s house is reckoned his cas-
 ‘ tle; no stranger, no civil officer is to enter into
 ‘ it without his consent, unless he has committed,
 ‘ or is suspected to have committed some crime.
 ‘ This was the privilege which every *Englishman*
 ‘ anciently enjoy’d; but taxes and standing armies
 ‘ have now deprived most of the subjects of *Eng-
 ‘ land* of this valuable privilege; and in all the
 ‘ laws that have been made for this purpose we
 ‘ may observe an obscurity, which by degrees only
 ‘ has been cleared up. At first the promoters and
 ‘ contrivers were cautious, lest the friends of liber-
 ‘ ty should perceive the extent of their design;
 ‘ and in the bills they proposed, they express’d
 ‘ themselves obscurely, that afterwards, in the ex-
 ‘ ecution, they might by interpretation extend the
 ‘ efficacy of the law: This raised doubts and dis-
 ‘ putes, and these have generally been cleared up
 ‘ by new or more extensive incroachments upon
 ‘ the liberties of the people.

‘ These

‘ These gradual incroachments, Sir, are in no
‘ case more apparent than in what relates to the
‘ law now under our consideration. When this
‘ project of quartering soldiers upon publick-
‘ houses, without the consent of the owners, was
‘ first thought of, it would have sounded very
‘ harsh in the ears of an *Englishman*, to have seen
‘ a clause inserted, for compelling the owners,
‘ even of such houses, to receive such guests,
‘ whether they would or no. The projectors were
‘ therefore obliged to content themselves with a
‘ clause for giving liberty, not a power, to constables and chief magistrates to quarter soldiers upon such houses, and they said they desired this liberty, only for soldiers upon a march, and for the first night of their arrival in the places appointed for their residence. They were forced to suppose, that the owners of such houses would willingly receive such soldiers as were quartered upon them by the civil magistrate, but this supposition they took care not to have expressed in the law itself; because, if it had been expressed in the law, it would then have plainly appeared, that there was only a liberty, which was all they then seemed to ask, granted to the civil magistrate, to quarter or billet soldiers upon publick-houses, but that he had no power to compel such houses to receive them. This was to be left to custom, because they knew, that few private men would like to dispute the power of their magistrates; and if any such dispute should arise, the projectors trusted to their being able to get it explained in their favour by some new clause. Accordingly, Sir, when the dispute or question was started, whether the owner of a publick-house was obliged to receive the soldiers quartered upon him by the civil magistrate, they at last got that clause inserted, which has since stood in all mutiny bills, whereby it is enacted,

“ That

“ That the owners of such houses shall receive
 “ the soldiers so quartered upon them.”

“ Thus, Sir, that which was at first desired as a
 “ liberty only, has since been converted into a
 “ power; and that liberty or power which was at
 “ first desired to be temporary only, that is to say,
 “ to quarter soldiers for one or more nights in their
 “ marching, and for the first night only in places
 “ appointed for their residence, has been since
 “ made perpetual, by a very small and impercepti-
 “ ble alteration in the words of the clause. When
 “ this liberty or power of quartering soldiers upon
 “ publick-houses, without the consent of the own-
 “ er, was first asked, the Parliament would have
 “ been amazed if it had been expressly asked, that
 “ soldiers should always be necessary inmates in
 “ publick-houses, that they should always have a
 “ lodging at free cost, even in the places appointed
 “ for their residence: Such a proposal the Parlia-
 “ ment would then certainly have rejected with
 “ disdain. This the projectors were sensible of,
 “ and therefore they ask’d only for one or more
 “ nights upon a march, and for the first night only
 “ after their arrival at the place appointed for their
 “ residence; but as they had the drawing up of
 “ the bill, and were resolved, if possible, to extend
 “ it farther than was then desired, they took care
 “ that this restriction should not be inserted in ex-
 “ press words, or in the proper place, but brought
 “ in, as it were by head and shoulders, at the end
 “ of that clause which requires the justices to ap-
 “ point rates for provisions.

“ By this means, Sir, our standing army projec-
 “ tors at first obtained a liberty to quarter soldiers,
 “ by the interposition of the civil magistrate, upon
 “ publick-houses, for one or more nights upon
 “ their march, and for the first night only in places
 “ appointed for their residence; and a foundation
 “ for a temporary lodging at free cost, being thus
 “ laid,

‘ laid, when the mutiny act was revived in the
‘ first year of the late Queen *Anne*, our army pro-
‘ jectors took care to lay a better foundation for
‘ rendering this temporary privilege perpetual, by
‘ requiring justices to appoint such reasonable rates
‘ for all necessary provisions for such officers and
‘ soldiers, for one or more nights in their march-
‘ ing through their cities, towns, and villages, as
‘ shall be appointed for their residence or quarters.
‘ In this form this clause continued for several
‘ years; but at last it began to be conceived in
‘ these words, “ And the justices of the peace
“ aforesaid are hereby impowered and required to
“ set and appoint such reasonable rates for all ne-
“ cessary provisions, for one or more nights, in
“ the several places which soldiers shall come to
“ in their march, or which shall be appointed for
“ their residence and quarters;” in which words,
‘ or words to this effect, the clause has stood ever
‘ since. This, as appears, is but a very small va-
‘ riation from the clause as it stood at first; and,
‘ I am persuaded, it was imperceptibly introduced,
‘ that is to say, without being taken notice of by
‘ those who were the true and sincere friends of
‘ the people, and of the liberties of their country.
‘ The misfortune is, that those who are for keeping
‘ up standing armies, have generally the drawing
‘ up of such bills; and this makes it easy for them
‘ to introduce, imperceptibly, very material and
‘ dangerous variations, when they are not most
‘ strictly look’d after.

‘ But this, Sir, is not the only misfortune:
‘ They have not only the drawing up of the bills,
‘ but they have the execution of them after they
‘ are passed into laws; and in the execution they
‘ put that interpretation upon them that best suits
‘ their own purposes, in which they are encouraged
‘ by a backwardness, too common among private
‘ men, to contend with the government about the
‘ interpre-

' interpretation of a law, which probably was
 ' made obscure, on purpose to enable those intrust-
 ' ed with the executive power to carry it farther
 ' than was ever dreamed of, or would have been
 ' approved of by a majority of those intrusted
 ' with the legislative. Thus, though our army
 ' gentlemen had for several years no power, and
 ' for many years no exprefs power, to quarter sol-
 ' diers in the places appointed for their residence,
 ' except for the first night only after their arrival
 ' there, yet they introduced the custom of quar-
 ' tering soldiers even in places appointed for their
 ' residence, and during the whole time of their
 ' residence; so that the quartering of soldiers, in-
 ' stead of being a temporary, became a perpetual
 ' burden upon the publick-houses in *Westminster*,
 ' and many other parts of the kingdom. And
 ' this custom being once introduced, they at last
 ' got a sort of legal authority for it, by getting a
 ' clause inserted in the mutiny bill passed the 7th
 ' of the late Queen, whereby it was enacted,
 " That the constables in *Westminster* and places
 " adjacent, should billet soldiers of the foot guards
 " in such houses only as by the act are limited, in
 " and about the city of *Westminster*; except the
 " city of *London*." But this of quartering soldiers
 ' in the places appointed for, and during the whole
 ' time of their residence, was deemed to be such a
 ' grievance, that in the first year of the late King,
 ' and by the first mutiny bill passed in his reign,
 ' a clause was inserted, by which it was enacted,
 " That nothing in that act should extend to com-
 " pel the quartering of any foot soldiers in *Eng-*
 " *land*, unless within ten miles of his Majesty's
 " usual residence, or the place where he should be
 " present, or in some garison where sufficient bar-
 " racks were not provided, or upon their marches;
 " and that in such marches no persons should be
 " obliged

“ obliged to quarter them above six days at a
“ time.”

‘ I have the more fully opened this affair to
‘ you, Sir, because when the present war is over,
‘ which, I fear, will not be soon, unless we pur-
‘ sue it with more vigour than we have done hi-
‘ therto, or put an end to it by an inglorious
‘ peace: I say, Sir, when the present war is over,
‘ I hope we shall embrace the opportunity of re-
‘ turning, as near as possible, to our ancient con-
‘ stitution. We may think it necessary to keep up
‘ some regular troops in time of peace; but I can
‘ see no occasion we have for a mutiny bill, unless
‘ when we are actually engaged in war. We kept
‘ up some regular troops even in the peaceable
‘ part of King *William’s* reign, and those troops,
‘ so far as I could ever hear, were kept in good
‘ enough order without any mutiny bill; for from
‘ the 10th of *April* 1698, to the 20th of *Februa-*
‘ *ry* 1701, when a war with *France* and *Spain* be-
‘ gan to be thought unavoidable, we had no mu-
‘ tiny act subsisting in this kingdom; and I shall
‘ always be against having any such law subsisting,
‘ except when absolutely necessary; because I do
‘ not like to make slaves of those in time of peace,
‘ to whom we are to trust our honour and our
‘ defence in time of war.

‘ Having thus given you my sentiments about
‘ the time for which soldiers may or ought to be
‘ quartered, before I come to the very point now
‘ in question, I shall beg leave to explain a little
‘ farther, how, and by what degrees the owners
‘ of publick-houses were compelled to receive the
‘ soldiers quartered upon them by the civil magi-
‘ strate. I have already taken notice, that when
‘ the quartering of soldiers upon such houses was
‘ first ask’d for, it was ask’d for as a liberty only,
‘ not as a power. The constables and magistrates
‘ were not impowered and required, it is said only,
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' that they may quarter and billet officers and sol-
 ' diers upon inns and other publick-houses: Nay,
 ' the constables and magistrates might have refused
 ' so to do: There was no law for punishing them
 ' for such refusal, till the first year of his late Ma-
 ' jesty's reign, when a new clause was inserted for
 ' that purpose. And as to the owners of publick-
 ' houses, they were for many years left entirely at
 ' liberty, whether they should receive the soldiers
 ' so quartered upon them; for I know of no law
 ' that so much as seemed to oblige them to do so,
 ' till the tenth of the late *Queen Anne*, and then
 ' this compulsory clause was introduced but in a
 ' partial manner; for in that law a new clause was
 ' introduced, by which it was enacted, " That if
 " any person should be aggrieved by a constable's
 " billeting in his house a greater number of sol-
 " diers than he ought to bear in proportion to
 " his neighbours, upon complaint to a justice of
 " peace, that justice was to relieve him, by order-
 " ing so many of the soldiers to be removed, and
 " quartered upon some other persons, who shall
 " be obliged to receive them accordingly."

' This, I say, Sir, is the first clause I can find,
 ' in any of our mutiny acts, that seems to oblige
 ' owners of publick-houses to receive any of the
 ' soldiers so quarter'd upon them; but this founda-
 ' tion being once laid, a pretence has from thence
 ' been taken, to insert some new and general
 ' words in all our mutiny bills of late years, by
 ' which it is enacted, " That the officers and sol-
 " diers so quartered and billeted as aforesaid, shall
 " be received by the owners of the inns and other
 " publick-houses;" and it is remarkable, that these
 ' words, which make so great an alteration in our
 ' law, were not formed into a clause by them-
 ' selves, but were, as I may say, stoln into the
 ' beginning of that clause, which enacts, " That
 " the soldiers shall pay reasonable prices for the
 " pro-

“ provisions furnished them by the owners of the
“ houses, where they are quartered.”

‘ You may now see, Sir, by what slow, what
‘ hidden, and what imperceptible degrees our
‘ mutiny act is arrived to its present maturity and
‘ perfection; and now I must say, the finishing
‘ touch seems to be designed. Finishing I may
‘ call it, Sir, in a double sense; it will be the
‘ finishing touch to this bill, and I am afraid,
‘ the finishing blow to the liberties of our coun-
‘ try. Our soldiers, which I am sorry for, and
‘ which we may come heartily to repent of, if
‘ we should ever have occasion for their courage;
‘ our soldiers, I say, have long been made slaves
‘ by this bill; and now, the owners of all the
‘ publick-houses in the kingdom are to be made
‘ the slaves of those slaves: For this will be the
‘ case, if we should by an express law oblige the
‘ owners of such houses to furnish the soldiers
‘ quartered upon them, with diet and small beer,
‘ whether they will, nay whether they can, or no.

‘ Sir, it is, in my opinion, of very little sig-
‘ nification to the present question, whether this
‘ was or was not the meaning of all or any of the
‘ mutiny bills we have passed into laws. I am
‘ very sure, I never thought it was; and if it
‘ were determined to be so, by the decree of any
‘ court of judicature in *England*, I should be for
‘ our taking the first opportunity to alter the law
‘ in this respect. But when we talk of the mean-
‘ ing and intention of such laws, we ought to
‘ distinguish between the meaning and intention
‘ of those that were the chief promoters of them,
‘ and the meaning and intention of those who
‘ only gave their consent to the passing of them,
‘ As to the former, I make no question, but it
‘ was their meaning and intention to oblige the
‘ owners of publick-houses to furnish the soldiers
‘ with all necessary provisions, tho’ they durst

' not declare their intention in exprefs words,
 ' because it would have either thrown out their
 ' bill, or have occasioned the inserting of some
 ' exprefs words againſt what they intended :
 ' They therefore choſe to draw up their bill in a
 ' dubious ſort of expreſſion, that after they had
 ' got it paſſed into law, they might make the
 ' moſt of it in the execution ; and, indeed, they
 ' made ſo good an uſe of their power in the exe-
 ' cution, that the owners of moſt publick-houſes
 ' did agree to what they deſired.

' But in this, Sir, they were at firſt very much
 ' favoured by the circumſtances of the times ;
 ' because the nation being at that time engaged
 ' in a heavy and expenſive war againſt *France*,
 ' the Revolution in its infancy, and our publick
 ' credit far from being ſo well eſtabliſhed as it
 ' has been ſince ; our government was often very
 ' ſhort of money, and very dilatory in their pay-
 ' ments to the army, eſpecially to thoſe regiments
 ' that remained within the kingdom, who were
 ' ſometimes for ſeveral months together without
 ' receiving any pay ; and when our ſoldiers had
 ' no money to purchaſe proviſions for themſelves,
 ' it became neceſſary to have them provided for
 ' by thoſe upon whom they were quartered. It
 ' was, therefore, the publick neceſſity, that made
 ' the owners of publick-houſes ſubmit to the fur-
 ' niſhing the ſoldiers with diet and ſmall beer,
 ' and not any conſciouſneſs of their being obliged
 ' by law to do ſo ; and for the ſame reaſon, the
 ' Parliament at that time connived at the inter-
 ' pretation put upon the mutiny act by thoſe that
 ' had been the promoters of it: Nay, in the
 ' year 1695, the Parliament agreed to a claule,
 ' which ſeem'd to confirm this interpretation ; for
 ' it was then enacted, " That no inn-holder or
 ' " other perſon ſhould, during the continuance of
 ' " that act, be oblig'd to provide meat or other
 ' " victuals

“ victuals for any soldiers, legally quartered on
 “ them, except in their march only, if they
 “ should give or tender to each horseman *6d. per*
 “ *diem*, for his subsistence in meat only, and to
 “ every dragoon and foot-soldier *4d. per diem* for
 “ the same, besides candle and the use of his fire
 “ for dressing his meat ;” and by another clause
 “ in the same act it was provided, “ That inn-
 “ holders and others should furnish, for every
 “ soldier lawfully quartered upon them, lodging,
 “ small beer, and candle, with the use of fire to
 “ dress his meat by, and hay, and straw for his
 “ horses, at the rate of *6d. per diem*, for small
 “ beer, fire, candle, and hay and straw to a light
 “ horseman, and *5d. per diem* to a dragoon.”
 “ But one may easily see, that these clauses pro-
 “ ceeded from the necessities the publick was that
 “ year reduced to, by reason of the clipp’d mo-
 “ ney having been called in to be recoined but
 “ the year before, and by reason of the vast ex-
 “ pence this nation was at in supporting the war,
 “ which laid them under a necessity of paying *8 per*
 “ *Cent.* for money borrowed in that year ; and this
 “ obliged the Parliament to consent to this harsh
 “ and unequal method of providing for the im-
 “ mediate subsistence of the troops.

“ I am, therefore, very well convinced, Sir,
 “ that it was never the intention of the majority
 “ in Parliament, to subject the owners of publick-
 “ houses to the unequal and heavy burden of be-
 “ ing obliged to furnish the soldiers quartered
 “ upon them, with diet and small beer, at a
 “ groat, or any other rate, *per diem* ; and, I be-
 “ lieve, no lawyer will say, that a man can be
 “ subjected to a penalty, or obligation, by infe-
 “ rence from any words in a law that can admit of
 “ another interpretation. But whether or no the
 “ majority of Parliament have been drawn in to
 “ do what they did not intend, as I am no lawyer,

‘ I shall not pretend to determine. I must
 ‘ be, at least, doubtful in my opinion; and I
 ‘ have a very good authority for being so; for
 ‘ in the affair at *Ledbury*, a very great lawyer,
 ‘ and one of the judges upon the assizes then
 ‘ holding there, I mean Judge *Comyns*, was asked
 ‘ his opinion upon this very question, and he de-
 ‘ clared himself to be doubtful.

‘ The argument, Sir, which has been drawn
 ‘ from the clause requiring justices to settle the
 ‘ price of provisions, is of very little force; for
 ‘ I do not think the justices had from thence any
 ‘ power to prescribe how much a soldier should
 ‘ eat, or to order that his landlord should furnish
 ‘ him with as much as he could eat for a groat,
 ‘ or at any lesser rate *per diem*: They were only
 ‘ to appoint and ascertain the prices of all neces-
 ‘ sary provisions, such as bread, small beer, beef,
 ‘ mutton, butter, cheese, and the like, accord-
 ‘ ing to the market rates, at that time, and in
 ‘ that place; and this appointment of theirs,
 ‘ neither was, nor could be supposed to take
 ‘ place, but in cases where the soldier and his
 ‘ landlord could not agree between themselves,
 ‘ Their interposition was designed only, and
 ‘ could be designed for nothing else than to pre-
 ‘ vent disputes between soldiers and the persons
 ‘ upon whom they were quartered. And, surely,
 ‘ it would have been a very lame provision for
 ‘ paying, duly and justly, the quarters of the
 ‘ army, if the law had obliged an inn-keeper to
 ‘ furnish every soldier with as much as he could
 ‘ eat, and of what sort of provisions he pleased
 ‘ to insist on, without allowing him any more
 ‘ than a groat a day, even in the dearest times,
 ‘ and for the best sort of provisions.

‘ To tell us, Sir, that the inn-keeper will always
 ‘ meet with redress from the commanding officer,
 ‘ in case a soldier insists upon too much, or too
 ‘ de-

‘ delicate fare, because the officer will thereby
‘ recommend himself to the government, is some-
‘ thing very strange, because it may, in many
‘ cases, be directly otherwise: A regiment or two
‘ may be sent to correct an unruly county, city,
‘ or borough: A private hint may be given to
‘ the commanding officer, that this is the design
‘ of sending him there, and this design may be
‘ communicated to the soldiers. Must we not,
‘ in this case, suppose, that the soldiers will make
‘ the most rigorous use of every right granted
‘ them by law? Can we suppose, that the com-
‘ manding officer will be ready to hear or redress
‘ the complaints of the inhabitants? If he is, I
‘ am sure, we cannot suppose, he will thereby
‘ recommend himself to the government. Such
‘ a case as this, Sir, may certainly happen; and
‘ we are not to suppose, that no such case ever
‘ did happen, because no such complaint has ever
‘ been brought to Parliament. It is impossible,
‘ Sir, to prove the fact upon which such a com-
‘ plaint must be grounded. The true cause of
‘ sending a regiment to quarter upon a borough,
‘ may be suspected: It may be almost certainly
‘ guessed at; but ministers have so many reasons
‘ or pretences to alledge, for sending one or more
‘ regiments to any part of the kingdom, that it
‘ is impossible to prove, they had no other reason
‘ but that of the borough’s having sent two dis-
‘ agreeable faces to this assembly.

‘ But suppose, Sir, that no such case could
‘ ever happen; and suppose that the officers of
‘ the army should always be ready to hear and
‘ redress every just complaint against the soldiers,
‘ or any soldier, under their command; tho’ I
‘ have a very good opinion of the justice, ho-
‘ nour, and impartiality of the present officers of
‘ our army, yet, I shall never agree to a regula-
‘ tion that renders any part of the people liable

' to be oppressed by the soldiers, without any re-
 ' lief but from the commanding officer. I do
 ' not think, that the establishing of this regula-
 ' tion can be presumed to have been the intention
 ' of any Parliament of *Great Britain*, unless we,
 ' at the same time, suppose, that the majority of
 ' the Parliament consisted of officers of the army,
 ' which is not to be supposed of any *British* Par-
 ' liament hitherto; tho' I do not know what may
 ' be the case hereafter, if a bill several times pro-
 ' posed without success, should never meet with
 ' a better fate than it has done. If this, indeed,
 ' should happen, we may expect to see such a
 ' clause as this approved of, and another clause,
 ' which is the only one I can at present think of,
 ' that is wanting to make this bill a compleat
 ' system of slavery: I mean a clause for subject-
 ' ing publick-houses to severe penalties, if they
 ' do not furnish the soldiers quartered upon them,
 ' with convenient lodging and all necessary pro-
 ' visions.

' Such a clause as this, I say, Sir, seems to be
 ' wanting; and if we agree to the clause now
 ' offered, I shall expect to see such a one as this
 ' offered in the very next session of Parliament;
 ' for your obliging inn-keepers to receive soldiers,
 ' and to furnish them with diet and small beer,
 ' will not signify much, unless you subject them
 ' to penalties, or impower the soldiers to make
 ' distress and sale of their goods, if they do not.

' I mention this, Sir, to shew you what this
 ' superlative care of the army must, at last, drive
 ' you to; but what must be the consequence? In
 ' a little time you'll have no inns, ale-houses, or
 ' other publick-houses in the kingdom; at least,
 ' not near sufficient for quartering your army;
 ' and then you must quarter your soldiers upon
 ' private houses, or build barracks for them.

' The latter, I confess, I should rather submit to,
 ' tho'

‘ tho’ I think the certain consequence of it would,
‘ at last, be a military government; because it
‘ would, in a short time, render our army a sort
‘ of distinct people. Whilst our soldiers are
‘ quartered in the publick-houses up and down
‘ the country, it preserves a correspondence and
‘ an intimacy between them and the people:
‘ They often contract friendships together, which
‘ preserves in the army a regard for the people, and
‘ makes them look upon themselves as nothing
‘ more than fellow subjects; but, if they should
‘ once come to be lodged in barracks, separate
‘ and distinct by themselves, they would soon
‘ begin to look upon themselves as sole masters:
‘ They would then break off all correspondence
‘ with, and lose all regard for the people; and
‘ would be the same, in every respect, with fo-
‘ reign troops. They would consider nothing but
‘ their pay and preferment in the army, and
‘ would be ready to obey the most illegal orders
‘ that could be given them by their commander
‘ in chief; the consequence of which would be,
‘ the establishment of a military government.

‘ These, Sir, are consequences that are most
‘ justly to be dreaded from your agreeing to what
‘ is now proposed; but, on the other hand, what
‘ is the consequence we are threatned with? I am
‘ really surpris’d to hear it mentioned in this
‘ house: It is said, if you do not agree to some
‘ such clause as this, the army will mutiny. What,
‘ Sir, will the army mutiny, if you refuse them
‘ a liberty to oppress the people? When I hear
‘ this house threatned with such a consequence, I
‘ must say, it is high time for us to think of re-
‘ ducing our army, or of sending them where
‘ they ought to have been sent long ago, abroad
‘ to fight our enemies, where they may gain both
‘ honour and wealth to themselves, and at the
‘ same time vindicate the honour of their coun-
‘ try.

‘ try. It is a common failing of weak minds,
 ‘ and sometimes of weak ministers too, Sir, to
 ‘ avoid lesser evils by running themselves into
 ‘ greater, and rather than expose themselves to a
 ‘ small immediate danger, to run headlong into
 ‘ a danger which is much greater, but a little
 ‘ more remote: I wish this may not lately have
 ‘ been our case, with regard to foreign affairs; I
 ‘ am sure it would be our case with respect to
 ‘ domestick, if, for fear of a mutiny in the army,
 ‘ we should give them a legal title to oppress the
 ‘ people, which would be the consequence of our
 ‘ agreeing to the clause proposed, and therefore
 ‘ I must declare against it.’

The next speech we shall give was that made
 by *Henry Pelbam*, Esq; the purport of which was
 as follows, viz.

Mr. Pelbam's
speech.

‘ Sir, I was heartily sorry when I heard, that
 ‘ any doubt or dispute had arisen, about the af-
 ‘ fair you have now under your consideration. I
 ‘ foresaw, that the discussion would be attended
 ‘ with great inconveniencies, and that it would
 ‘ have been much better, if the question had ne-
 ‘ ver been started. Whilst the inn-keeper thought
 ‘ he was obliged to furnish the soldier with diet
 ‘ and small beer, and the soldier doubted if he
 ‘ was, it made both of them live easily with one
 ‘ another: The inn-keeper provided for the sol-
 ‘ dier the best he could afford for the money,
 ‘ because he thought himself obliged to do so;
 ‘ and the soldier often contented himself with
 ‘ the worse fare, rather than be obliged to take
 ‘ the trouble of providing for himself. But
 ‘ now the question is started, and especially as
 ‘ the opinion begins generally to prevail, that
 ‘ no inn-keeper, or other person, upon whom sol-
 ‘ diers may be lawfully quartered, is obliged to
 ‘ furnish the soldiers with any sort of provisions,

‘ I confess, I thought it would be absolutely necessary to put an end to the dispute by some such clause as my honourable friend has proposed. However, I must say, I now wish it had not been proposed, or the doubt so much as mentioned in this house, because the clause seems to give several gentlemen great apprehensions; and if the clause should be rejected, it will be interpreted by the whole nation, as the opinion of this house, that inn-keepers and others are not obliged to furnish any diet or small beer for the soldiers quartered upon them.

‘ I shall not take up your time, Sir, with giving you my reasons, why I think otherwise; for as I do not pretend to be learned in the law, I cannot presume, that my opinion will have any weight, or that my reasons will be satisfactory: And, indeed, I think it below the dignity of this house to consider the point in this light, because, if the law were wrong, it our business to rectify it; and if it should be law, but is not, it is our business to make it so. We are therefore to consider, whether it be in itself right or wrong, that inn-keepers, and others, upon whom soldiers may be lawfully quartered, should be obliged to furnish the soldiers so quartered upon them, with diet and small beer, at a groat a day, or such lesser rate as they shall agree on. In my opinion, it is right it should be so, and I have one very strong argument in my favour, which is almost forty years experience. Whatever the meaning of the law may be, it is very certain, that ever since the first mutiny act was passed, which is thirty nine years ago, the opinion has generally prevailed, that the owners of publick houses were obliged to furnish the soldiers quartered upon them, with diet and small beer: This, I say, has been the general opinion till

‘ very lately, and the law, in this sense, has
 ‘ been generally complied with. In all that
 ‘ time, it has never produced any inconveni-
 ‘ cies, nor can the owners of such houses say they
 ‘ ever met with any oppression or exaction from
 ‘ the soldiers quartered upon them, but what
 ‘ was redressed by the officers, as soon as they
 ‘ heard of it.

‘ The law therefore, Sir, during the time it
 ‘ has been interpreted in this sense, has produced
 ‘ no bad effect ; but if it should be interpreted
 ‘ otherwise, as it will be, if you reject this clause,
 ‘ God knows, what ill effects it may produce.
 ‘ No inn-keeper, or other person, upon whom
 ‘ soldiers may be lawfully quartered, will think
 ‘ himself obliged to furnish any thing for the
 ‘ soldiers, even when they are upon a march ;
 ‘ and consequently, no inn-keeper will furnish
 ‘ any thing, unless they agree to pay the prices
 ‘ he pleases to demand. The justices may ap-
 ‘ point prices, but what will that signify, if no
 ‘ man be obliged to furnish or sell to the soldier
 ‘ at that price ? The march of a regiment, troop,
 ‘ or company, will occasion a market or election-
 ‘ day at every country town they pass through :
 ‘ The prices of all manner of provisions will rise
 ‘ to double what they are upon ordinary occa-
 ‘ sions ; and if the soldiers will not, or cannot,
 ‘ which will be truly the case, pay those prices,
 ‘ no man will sell them any thing. Sir, it is
 ‘ easy to see what this must produce : The sol-
 ‘ diers will not starve in a country where there is
 ‘ plenty ; it is unreasonable to expect they should ;
 ‘ and if they cannot pay the prices demanded,
 ‘ they will take what they want at their own
 ‘ price, perhaps without paying any price, be-
 ‘ cause the crime will, in strict law, be the same :
 ‘ They will break open doors to come at it, or
 ‘ to search for it ; and if such a body of men
 ‘ should

‘ should once begin to think themselves criminal
‘ in the eye of the law, they will naturally and
‘ of course begin to think of destroying that law,
‘ which would destroy them; especially, as they
‘ will expect, and in such a case might, proba-
‘ bly, meet with the support of the whole army.

‘ These effects, Sir, are certainly to be appre-
‘ hended, because, I think, they are the natural
‘ consequences of your altering the law in this
‘ respect. I call it altering the law, because, if
‘ it was not law, it has at least been understood
‘ to be law for almost forty years past. If this
‘ was really the implied, tho’ not expressed mean-
‘ ing of the law, surely no great inconvenience
‘ can arise from your making the law more ex-
‘ plicit: If this was not the implied meaning of
‘ the law, I think, you ought now to make it
‘ the expressed meaning of the law, because the
‘ publick safety requires it. Some method must
‘ be taken to provide for the soldiers: They must
‘ live, and they must live upon a groat day; be-
‘ cause they have no more to give. They must
‘ have necessary provisions at the prices they are
‘ able to pay for them, and they must have them
‘ at or about the places where they are quartered,
‘ because, according to the rules of discipline in
‘ the army, they cannot go elsewhere to seek for
‘ them. If you oblige the owners of publick-
‘ houses to furnish necessary provisions for the
‘ soldiers quartered upon them, at the prices the
‘ soldiers are able to pay, for at those prices they
‘ must furnish or not at all, you only make them
‘ a sort of purveyors for the army, which has
‘ never been thought a bad employment: They
‘ will generally have some days notice of a regi-
‘ ment, troop, or company’s coming to be quar-
‘ tered upon them, and will take care to provide
‘ some days beforehand, when the markets are
‘ cheap, or they will send to the market-town in
‘ the

‘ the neighbourhood where they can buy cheapest.
 ‘ They will always have many opportunities, and
 ‘ many methods of providing for the soldiers, at
 ‘ a cheaper rate than they can provide for them-
 ‘ selves; and since they may so easily, and so
 ‘ certainly, provide for the soldiers quartered upon
 ‘ them, at such prices as the soldiers are able to
 ‘ pay, I cannot think there would be any great
 ‘ hardship in obliging them to do so.

‘ The dangers from thence arising, and which
 ‘ have been set in so terrible a light by some gen-
 ‘ tlemen in this debate, are, in my opinion, Sir,
 ‘ mere bugbears, created by the imagination only.
 ‘ It will very rarely happen, especially in places
 ‘ at any distance from *London*, that a soldier may
 ‘ not be plentifully furnished at the rate of a
 ‘ groat a day; and if any soldier should insist
 ‘ upon a greater quantity of victuals, or upon
 ‘ more delicate fare, than can be furnished at that
 ‘ price, he will not only be despised by his com-
 ‘ panions, but punished by his officer; for hitherto
 ‘ in the army, and, I hope, it will always be so,
 ‘ there is nothing reckoned more dishonourable
 ‘ and despicable than for a soldier to be trouble-
 ‘ some and uneasy in his quarters, without any
 ‘ just cause; from whence, I believe, it would
 ‘ be a very dangerous project to send soldiers to
 ‘ quarter in a city or borough, with a private hint
 ‘ to be as oppressive as possible in their respective
 ‘ quarters, in order to punish such city or borough
 ‘ on account of an election. Thank God! the
 ‘ soldiers of our army would as yet despise such
 ‘ hints, and those that gave them: They would
 ‘ think themselves obliged in honour to discover
 ‘ the authors of such treasonable practices against
 ‘ the constitution of their country; and therefore,
 ‘ upon a complaint, it would be very easy for
 ‘ this house to find out and punish the authors:
 ‘ Nay, as we are not tied down to the rules of

‘ evi-

‘ evidence in *Westminster-Hall*, we might very probably, by proper sifting, come at the prime and original author.

‘ For these reasons, Sir, I must think, that the dangers pretended to arise from our obliging the owners of publick-houses to furnish diet and small beer for the soldiers quartered upon them, are all imaginary; but the dangers arising from our leaving the soldiers of our army unprovided for, and often without a possibility of providing for themselves, are far from being so. These dangers therefore must be guarded against: I should be glad to find some other expedient for avoiding these dangers; but if no other can be found, we must take what is now proposed. It is the business of every gentleman here, when any difficulty or danger occurs, to think of, and contrive such expedients as may be most effectual and most safe for his country; and yet there are some gentlemen in this house, who seem to behave in a very different manner: They are always starting objections against, and presaging dangers from every expedient they hear proposed, but never offer any proposal, any remedy or prevention, of their own. As these gentlemen seem to have a mighty fruitful invention, I wish they would apply it to the case now before us: I wish they would propose some other expedient for preventing the evil we are at present threatened with. If they do, I promise them, I shall give it a candid and impartial examination; and if I think it more effectual or more safe than what is now proposed, I shall certainly give it the preference.’

The next that spoke was *Alexander Hume Campbell*, Esq; whose speech was to this effect:

‘ Sir, I shall not pretend to tell you what is ^{Mr. Campbell's speech.} now the law, with regard to the quartering of
‘ the

‘ soldiers. I have carefully read over the act
 ‘ now subsisting for that purpose; but I must
 ‘ confess, I am a little doubtful in my opinion,
 ‘ and I have no reason to be ashamed of saying
 ‘ so, after so great a lawyer, as Judge *Comyns*, de-
 ‘ clared himself doubtful, as an honourable gen-
 ‘ tleman has been pleased to inform us. I have
 ‘ a very great regard for the two learned gentle-
 ‘ men, who have given their opinions upon the
 ‘ question; but as I am conversant among law-
 ‘ yers, I have known lawyers give opinions in this
 ‘ house, which were contrary to the opinion of
 ‘ the most noted of the profession; and there-
 ‘ fore, the opinions that have been given, can be
 ‘ no authority for declaring what is the law at
 ‘ present.

‘ The honourable gentleman who spoke last,
 ‘ Sir, has told us, that whatever may be the
 ‘ meaning of the law, it has for near forty years
 ‘ past been a prevailing opinion, that the owners
 ‘ of publick-houses were by law obliged to furnish
 ‘ the soldiers quarter’d upon them, with diet and
 ‘ small beer. That this, Sir, has been the gene-
 ‘ ral practice, may be true; I believe the owners
 ‘ of such houses have generally done so; but
 ‘ this is no proof of its having been the general
 ‘ opinion, that they were by law obliged to do so.
 ‘ A man will submit to a small hardship, rather
 ‘ than contest a doubtful point in-law; but when
 ‘ that hardship becomes grievous, he thinks it
 ‘ worth his while to contest it, rather than sub-
 ‘ mit to it any longer. The doubt that has been
 ‘ lately started, does not, therefore, proceed from
 ‘ peoples having alter’d their opinion, but from
 ‘ your having kept up such a numerous army
 ‘ for such a number of years. The people grew
 ‘ at least tir’d of submitting to a hardship, which
 ‘ they doubted if they were obliged to submit to,
 ‘ and

‘ and which, instead of being remov’d or lighten’d, they found to be growing almost every year more heavy than it was before.

‘ This, Sir, is the true reason of the doubt that has been lately started, in relation to the furnishing of soldiers with diet and small beer, or with hay and straw for their horses, at the prices allow’d by the government; and we have now such a very great number of land forces within the kingdom, that I am not at all surpriz’d at the people’s being generally resolv’d to have this question determin’d one way or other. What use was design’d, or what use will be made of this great land army, I shall not pretend to guess; but I am afraid, no use, at least no military use, will be made of them. As we are in course to have next summer a new Parliament chosen, the great augmentation we have made, and the expensive manner in which we have made that augmentation, gives occasion to very ugly suspicions. People know what an use may be made of commissions for officers to serve in the army, with regard to elections for members to serve in Parliament: A commission, or the promise of a commission in the army, may engage a man and his friends to vote for a weak or wicked minister, who would otherwise most certainly vote against him: The terrors of having a regiment of foot, or a regiment of dragoons sent to quarter upon a borough, may engage the magistrates, some of whom are often inn-keepers, to vote for a court candidate, whose face they had never the pleasure to behold, in opposition to the most hospitable and honest gentleman in their neighbourhood.

‘ These, Sir, are some of the illegal uses that may be made of an army; and every illegal use that can be made of an army, will receive new

' strength from the amendment now proposed.
 ' If you lay inn-keepers, and other owners of
 ' publick-houses, under a legal obligation to fur-
 ' nish the soldiers with necessary provisions for
 ' themselves and horses, at certain rates to be
 ' appointed by law, as you cannot ascertain ei-
 ' ther the quantity or the kind of such provi-
 ' sions, the owners of such houses will never be
 ' able to satisfy the soldiers quarter'd upon them.
 ' The soldier will insist upon having more for a
 ' groat, than the inn-keeper can buy for six-
 ' pence, which, it must be allowed, would be
 ' a very great oppression upon the latter: And
 ' how is he to be reliev'd? Why by the civility
 ' and good-nature of the commanding officer.
 ' Sir, the officer may be good-natur'd and hu-
 ' mane, I believe many of them are so; but it is
 ' hardly possible to prevent a man's being a little
 ' partial to one of his own cloth; and there-
 ' fore, I must think, a law for subjecting the
 ' people to such an oppression, without any other
 ' remedy, could neither be called good-natur'd
 ' nor humane; especially if we consider, that when
 ' a regiment is sent to correct an obstinate bo-
 ' rough or county, the commanding officer, with-
 ' out so much as a hint, will know, that his
 ' preferment depends upon his giving no ear to
 ' the complaints of the inhabitants.

' Our passing such a law as this, at this time,
 ' will therefore very much increase those suspi-
 ' cions that have been already raised by the aug-
 ' mentation we have lately made to our army, and
 ' the expensive manner in which that augmenta-
 ' tion has been made; and in these suspicions most
 ' people will be confirm'd, if the greatest part
 ' of our army is not very soon sent out of the
 ' kingdom, to carry on with vigour the war
 ' we are now engag'd in. If any thing like this
 ' be design'd, we have no occasion for altering

or

‘ or explaining the law; because the people will
‘ then have but few soldiers quarter’d upon them,
‘ and will therefore continue to do, as they
‘ have done for almost forty years past. The
‘ owners of publick-houses will continue to fur-
‘ nish the soldiers with necessary provisions,
‘ when the soldier contents himself with such
‘ provisions, as his landlord can furnish at the
‘ price allowed by the government: Nay, they
‘ will furnish the soldiers, I believe, with better
‘ provisions, and with more good-will, than they
‘ have done for twenty years past; for when a
‘ part of the army is employ’d in fighting vic-
‘ toriously, as I hope they will, against the ene-
‘ mies of their country, the name of a soldier
‘ will then again begin to be respected and be-
‘ lov’d by the people.

‘ This, Sir, will be the consequence of sending
‘ great part of our army abroad to fight against
‘ the enemies of their country, instead of keep-
‘ ing them at home to oppress the people, and
‘ influence the next general elections. But really,
‘ Sir, the proposition now made to us gives me
‘ some reason to apprehend, that there is not so
‘ much as a design to send any great part of our
‘ army abroad; and this makes me the more un-
‘ willing to agree to what the honourable gen-
‘ tlemen has been pleased to propose; for if
‘ such a number of regular forces be kept within
‘ the kingdom, but for a few years, and such a
‘ law as is now proposed kept in force, the num-
‘ ber of publick-houses will decrease so much,
‘ that it will be impossible to find quarters for
‘ the army in such houses, and this will of course
‘ make barracks absolutely necessary, which
‘ will soon put an end to our happy constitu-
‘ tion. We must always have in this kingdom a
‘ great number of travellers upon our publick
‘ roads: If we had no trade, which may be the

' consequence of our late measures, if not soon
 ' alter'd, yet the very nature of our constitution
 ' occasions a greater number of travellers in this
 ' kingdom, than in any neighbouring country:
 ' The members both of this and the other house
 ' of Parliament must be accommodated with
 ' lodgings and stabling, in their journies to
 ' and from Parliament; but how shall they be
 ' accommodated, if every inn they come to, be
 ' full of soldiers? Will they lie in the streets
 ' to make room for a Lord or member of Parlia-
 ' ment? Will they be commonly civil to any
 ' traveller that comes to hamper them in their
 ' quarters? On the contrary, they do not always
 ' behave in the most civil manner to travellers,
 ' even of the first rank; for lately at *Northallerton*
 ' they seized on and carried off a reverend Pre-
 ' late's dinner, upon pretence, that the landlord
 ' had not provided sufficiently for them. What
 ' redress the reverend Prelate met with, or whe-
 ' ther he applied for any, I do not know; but
 ' he could not recover his dinner; and this shews,
 ' what inconveniencies we, as well as other tra-
 ' vellers, may be put to, if all the inns of any
 ' little town we may come to upon the road,
 ' should be so cram'd with soldiers, as not to be
 ' able to furnish accommodation or entertainment
 ' for any traveller.

' I shall grant, Sir, that whilst we keep such a
 ' numerous army within the kingdom, and conti-
 ' nue the modern *French* practice of having some
 ' part of that army always marching and counter-
 ' marching from one end of the kingdom to the
 ' other, under pretence of what is called changing
 ' of garisons: I say, whilst we do so, the soldiers
 ' may often be under great difficulties with regard
 ' to provisions, both upon their march, and in
 ' their settled quarters, unless we oblige their quar-
 ' ters to furnish them at such prices, as they can
 ' afford to pay; but the most proper expedient for
 ' avoiding

‘ avoiding this inconvenience, is, in my opinion,
‘ very obvious, which is, to send the greatest part
‘ of your army against the enemy in time of war,
‘ and never to keep a greater number of troops
‘ within the kingdom, than are absolutely necessary
‘ for the just ends of government. I will undertake,
‘ that when the people know, that any
‘ part of your army is marching through the
‘ kingdom, in order to go and fight the enemies
‘ of their country, they will freely and voluntarily
‘ furnish the soldiers with every thing necessary
‘ upon their march; but they are sensible of what
‘ is meant by changing of garisons, which in absolute
‘ governments is intended chiefly to prevent
‘ the soldiers from acquiring any sort of attachment
‘ to the people amongst whom they live,
‘ and to make them look upon themselves, as a
‘ body of men quite distinct from the people, I
‘ cannot say, amongst whom they live, but amongst
‘ whom they sojourn; and therefore, the
‘ people of this kingdom most reasonably complain,
‘ and resent their being oppressed or incommoded
‘ with the marching or counter-marching
‘ of regular troops, when they know, or at least
‘ imagine it to be intended for such a dangerous
‘ and arbitrary purpose.

‘ Having thus, Sir, mentioned one expedient,
‘ and I think the only proper expedient, for preventing
‘ the inconvenience complained of, I hope the honourable
‘ gentleman will not hereafter say,
‘ that there are any gentlemen in this house, who
‘ are always starting objections against every expedient
‘ they hear proposed, but never offer any remedy
‘ or prevention of their own. Gentlemen have reason
‘ to object against remedies that are apparently worse
‘ than the disease, especially when the true remedy is
‘ obvious; but as I am suspicious, that the remedy I
‘ have now offered, will not be approved of by our chief
‘ state physicians,

' cians, and am for seeing any remedy applied rather than that now proposed, I must observe, that another remedy has already been mentioned in this debate, which I think less oppressive than what is now proposed, and which I the rather approve of, because it was made use of soon after the Revolution. As that was a time, Sir, which I highly approve of, I am for going as near it as possible, and therefore, if we must keep up such a numerous standing army as we have at present, and must keep them all at home too, I am for doing something like what was done in the year 1696-7. In that year, as an honourable gentleman has already told us, a clause was inserted in the mutiny act, by which it was provided, that no inn-holder should be obliged to provide victuals for any soldier, if he should give him a groat a day, besides candle and the use of his fire for dressing his meat. As our army is now regularly paid, we have no occasion for obliging the inn-holders to advance any money to the soldiers quartered upon them, but if there be now an absolute necessity for any thing like what is now proposed, I think we ought to give an option to inn-holders, either to provide victuals for such soldiers, at the rate of a groat a day, or otherwise to furnish them with lodging, candle, utensils for dressing their meat, and the use of their fire, for nothing.

' Even this, Sir, will be a very great hardship upon the owners of our publick-houses; but, I think, it will be a less hardship than that of subjecting them to the arbitrary demands of the soldiers quartered upon them, for what they may be pleased to call necessary provisions. How this expedient will do, or whether it may appear to be sufficient for removing the evil complained of, I do not know; but as it is a matter of the utmost importance, I think, neither this, nor any

‘ any other expedient ought to be rashly gone in-
 ‘ to; for which reason, I think, we ought to take
 ‘ some days to consider of it, and for that purpose
 ‘ to adjourn the committee. There is no necessity
 ‘ for immediately commencing a law suit, in order
 ‘ to determine the question lately started upon this
 ‘ subject. If the necessity for this determination
 ‘ cannot be removed, by a diminution of our ar-
 ‘ my, I hope, we shall in this house fall upon
 ‘ some method for determining the question, with-
 ‘ out sending it into *Westminster-hall*; for though
 ‘ I belong to *Westminster-hall*, yet I shall always
 ‘ be against people’s being brought there for deci-
 ‘ ding any question. I wish they were not so apt
 ‘ to come there, as I find they are: It might be a
 ‘ loss to me, but it would be a gain to the nation;
 ‘ and I shall never desire to increase my profits at
 ‘ the expence of my country.’

Thomas Winnington, Esq; stood up next, and
 spoke in substance thus.

‘ Mr. Speaker,

‘ Sir, We are now about reviving an expiring Mr. Win-
 ‘ nington’s
 ‘ speech.
 ‘ law: The meaning of that law, as it stands at
 ‘ present, appears to be doubtful, as has been ac-
 ‘ knowledged by most gentlemen who have spoke
 ‘ in this debate. Can it admit of a dispute, whe-
 ‘ ther we ought to remove that doubt, by some
 ‘ explanatory words in the bill now before us?
 ‘ Would it not be a most egregious solecism for a
 ‘ legislative assembly to enact a law which they
 ‘ know to be doubtful? Let us consider, what a
 ‘ number of law suits may be occasioned before
 ‘ this time twelvemonth. You cannot, at least
 ‘ you ought not, I think, to make a law with a
 ‘ retrospect, and therefore you cannot put an end
 ‘ to these law suits, by any new law to be passed
 ‘ a year hence. Though you are the makers, yet
 ‘ you are not by our constitution the interpreters

‘ of the law : His Majesty’s judges in *Westminster-*
 ‘ *hall* are the interpreters; and they are sworn to
 ‘ give judgment in every case that comes before
 ‘ them, according to the laws which were in being
 ‘ when that case happened. Suppose now, you
 ‘ should put off the explaining of this law till next
 ‘ year, and five hundred actions should before then
 ‘ be commenced upon the doubt now acknow-
 ‘ ledged to be in the law, the explanation you
 ‘ then put upon the law, would not put a stop to
 ‘ any of these law suits; because the judges might
 ‘ be of opinion, that the words of the law could
 ‘ not bear the explanation you had put upon them
 ‘ by a new law. In all cases that might happen
 ‘ afterwards, they would be obliged to determine
 ‘ according to your explanation; but in cases that
 ‘ had before occurred, they would in conscience
 ‘ be obliged to determine according to their own
 ‘ opinion, even though contrary to what you, *ex*
 ‘ *post facto*, declared to be yours.

‘ From hence, Sir, you may see, what a multi-
 ‘ tude of law suits may be occasioned, and what a
 ‘ monstrous expence may be brought upon the
 ‘ subject, by your delaying to explain and remove
 ‘ the doubt that hath arisen, but for one year
 ‘ longer. Surely it is our duty to prevent law
 ‘ suits, and to do so as soon as we can. The
 ‘ trade of a lawyer, no wise nation will ever en-
 ‘ courage; and the trade too of inn-keeping,
 ‘ alehouse-keeping, or retailing of spirituous li-
 ‘ quors, does not, I think, deserve all that regard
 ‘ which seems to be shewn to it in this debate.
 ‘ But should we suppose, that they will always be
 ‘ at a great loss by furnishing the soldiers quarter-
 ‘ ed upon them, with diet and small beer, at the
 ‘ rate of a groat a day, the loss will not fall upon
 ‘ them; for by the prices they charge they will
 ‘ oblige their other customers to make it good;
 ‘ and therefore, if this loss were to be look’d on

‘ as a tax, it could not be considered as a partial,
‘ or unequal tax, but a tax laid upon the whole
‘ people; and it must either be no tax at all, or
‘ a tax as necessary as any one that was ever im-
‘ posed.

‘ Gentlemen may cry, how! how! and seem
‘ surprized at what I have said; but if they will
‘ have a little patience, I shall make it good. I
‘ repeat it again, Sir, that the obliging of inn-
‘ keepers and such like to furnish diet and small
‘ beer to the soldiers quartered upon them, must
‘ either be no loss to, or tax upon them, or upon
‘ any one else, or otherwise it must be as necessary
‘ a tax as ever was imposed in this kingdom; and
‘ my reason for saying so is this: If provisions are
‘ so cheap, as they generally are, that an inn-
‘ keeper may furnish diet and small beer to the
‘ soldiers quartered upon him for a groat a day,
‘ and have a reasonable profit to himself, then the
‘ obliging him to do so, can be no tax upon him
‘ or any man else: On the other hand, if provi-
‘ sions should happen at any particular time, or in
‘ any particular place, to be so dear, that the inn-
‘ keeper cannot furnish diet and small beer for the
‘ soldiers quartered upon him, at the rate of a
‘ groat a day, I am very sure, the soldier will not
‘ be able to furnish diet and small beer for himself
‘ at near that rate; because an inn-keeper who
‘ brews his own small beer, and buys great quan-
‘ tities of meat at a time, will always be able to
‘ sell it at a much cheaper rate than the soldier
‘ can purchase it in the small quantities has oc-
‘ casion for, or can afford to buy at a time. But
‘ the soldier has no more than a groat a day to
‘ bestow upon himself for diet and small beer.
‘ What then can he do? He must either starve or
‘ steal. The former we cannot suppose he will
‘ do, and if a great part of the army should be
‘ brought under the necessity of living by theft or
‘ plunder-

‘ plundering, not only our constitution, but the
 ‘ property of every man in the kingdom would
 ‘ then be in the utmost danger.

‘ It has been said in this debate, that if our sol-
 ‘ diers cannot live upon a groat a day, we must
 ‘ augment their pay; but let us consider, Sir, that
 ‘ in most parts of the kingdom, and at most times,
 ‘ a soldier can live upon a groat a day; and if it
 ‘ should be proposed to proportion their pay, ac-
 ‘ cording to the times, and according to the places
 ‘ in which they may be quartered, this cannot be
 ‘ done by Parliament: It must be left to ministers,
 ‘ and this, in my opinion, would be a more ex-
 ‘ tensive and a more dangerous power, than any
 ‘ now lodged in the crown. There is, therefore,
 ‘ no other way of subsisting your army, in time
 ‘ of scarcity, which is seldom general, and never
 ‘ lasts long, than by obliging the owners of pub-
 ‘ lick-houses to furnish them with diet and small
 ‘ beer, at such a rate as their pay will admit of.
 ‘ This I shall allow is, in times of scarcity, a sort
 ‘ of tax upon the owners of such houses, or ra-
 ‘ ther, as I have said, upon their customers; but
 ‘ as there is no other way of subsisting your army,
 ‘ at such times, it is absolutely necessary, and will
 ‘ therefore, I hope, be always patiently submitted
 ‘ to.

‘ As for the expedient found out in the year
 ‘ 1696-7, it was then made use of, because our
 ‘ troops kept at home neither were, nor could be
 ‘ regularly paid; for surely, Sir, it will not be
 ‘ thought, that the soldier was to have a groat a
 ‘ day from the inn-keeper, besides his pay from
 ‘ the government; but as the army is now regu-
 ‘ larly paid both their subsistence money and ar-
 ‘ rears, we have no occasion for such an expedient;
 ‘ and what the honourable gentleman who spoke
 ‘ last, has been pleased to propose in pursuance of
 ‘ this expedient, will be far from removing the
 ‘ difficulty

' difficulty now under consideration; for it will
 ' signify nothing to provide fire and utensils for a
 ' soldier to dress his meat with, when he can get
 ' no meat to dress, or none at the price he is able
 ' to pay for it, which will often be the case upon
 ' a march, and therefore, in the year 1696-7, the
 ' provision in favour of inn-holders was not ex-
 ' tended to soldiers upon a march; nor ought it,
 ' I think, now to be extended to soldiers, even in
 ' the places where they are appointed to reside;
 ' because an inn-holder, alehouse-keeper, or victu-
 ' aller, can always furnish a soldier with diet and
 ' small beer at a cheaper rate than he can furnish
 ' himself. If he refuses to do so, it must proceed
 ' from mere obstinacy, or from an uncommon
 ' dearth of provisions: In the former case, he
 ' ought to be compelled; and in the latter, he
 ' must be compelled, because there is no other
 ' way of providing for the soldier's subsistence;
 ' and every gentleman will admit, that while we
 ' have soldiers, we must provide for their subsis-
 ' tence in time of scarcity, as well as in time of
 ' plenty. In times of scarcity it may be a loss to
 ' the inn-keeper, but, like many others, it is a
 ' loss which, for the sake of the publick, must
 ' necessarily attend the business he follows; and at
 ' no time it can be a hardship, because, as the sol-
 ' dier is subject to martial law, that law will al-
 ' ways make him not only reasonable, but civil in
 ' his quarters.'

The next that spoke was *Thomas Bramston, Esq;*
 whose speech was to the effect as follows.

' Mr. Speaker,

' Sir, I am surprized to hear gentlemen so much Mr. Bram-
 ' as suppose, that any multitude of law suits can ston's speech.
 ' ensue from leaving this act in the very words it
 ' stands at present, and has stood for some years.
 ' For my own part, I do not pretend to any deep
 ' learning

‘ learning in the law, especially in the practical
 ‘ part of it; and therefore I should be glad to
 ‘ know, from some of those gentlemen who make
 ‘ that study their profession, how any more than
 ‘ one law suit could be the consequence of our not
 ‘ explaining that part of this law, which is now
 ‘ said to be doubtful. If any suit be commenced
 ‘ for having this question determined, it must be
 ‘ brought, either by the government, by way of
 ‘ information, or by a soldier, by way of action of
 ‘ the case upon the statute, against an inn-keeper
 ‘ who had refused to furnish him with diet and
 ‘ small beer, at the rate of a groat a day; and can
 ‘ we suppose, that our government, or rather our
 ‘ most excellent ministers, would be so vexatious,
 ‘ as to bring several informations, or to allow the
 ‘ soldiers to bring several actions, when one would
 ‘ be as sufficient as five hundred, for deciding the
 ‘ question in dispute, and for preventing all farther
 ‘ doubt? Whatever opinion the honourable gen-
 ‘ tleman who spoke last may have of our ministers,
 ‘ I am far from having so bad an opinion of them;
 ‘ and therefore, if we should leave this question
 ‘ undecided, and the army should insist upon its
 ‘ being decided by a suit at law, I am convinced,
 ‘ no more than one law suit could from thence
 ‘ ensue; and the event of that suit, I believe, our
 ‘ inn-keepers have no reason to be afraid of, be-
 ‘ cause I cannot think, that a law which simply
 ‘ obliges me to receive a man into my house, can
 ‘ be supposed, by any impartial man in the king-
 ‘ dom, to mean, that I should be obliged likewise
 ‘ to maintain him.

‘ But, Sir, if it should be determined other-
 ‘ wise; if our judges should be of opinion, that
 ‘ the law, as it now stands, obliges inn-keepers
 ‘ and others to furnish the soldiers quartered upon
 ‘ them, with diet and small beer, at the rate of
 ‘ a groat a day, I should then be for altering the
 ‘ law

‘ law as soon as possible; because, I think, it
‘ would lay a most grievous tax upon the owners
‘ of all our publick-houses, a tax which they
‘ could not recover from their customers, and a
‘ tax which I think absolutely unnecessary. The
‘ furnishing of soldiers with lodging and house-
‘ room is of itself so troublesome to inn-keepers,
‘ that many of them give the soldiers a shilling
‘ or eighteen pence a week, to be intirely rid of their
‘ company; and if you should further oblige inn-
‘ keepers to furnish the soldiers with diet and
‘ small beer, I am persuaded, most of our inns
‘ would be glad to give the soldiers half a crown
‘ or three shillings a week, to provide themselves
‘ somewhere else, rather than have customers and
‘ travellers banished away from their house, by
‘ seeing it always full of soldiers.

‘ This, Sir, would be a most insufferable burden
‘ upon all publick-houses; and to suppose, that
‘ this loss would be made good by their raising their
‘ prices to their customers, is supposing against
‘ reason and experience: They cannot raise the
‘ price of any liquors they sell, which is the prin-
‘ cipal part of their profits; and if they should
‘ make them worse, no man would come to pur-
‘ chase or drink them. Even as to eatables, the
‘ market price is so well known, that they would
‘ be look’d upon as extortioners, if they de-
‘ manded a greater profit than usual, which would
‘ of course make all other customers forsake the
‘ house; and I believe it will not be said, that,
‘ even in the times of greatest plenty, a publick-
‘ house could support itself upon the profit made
‘ by the soldiers quartered upon it.

‘ Now, Sir, with regard to the necessity of
‘ imposing this burden or tax upon the owners of
‘ those houses, where soldiers are by law allowed
‘ to be quartered, the honourable gentleman has,
‘ I think, given us but two reasons for it, and
‘ both

' both of them I take to be without any founda-
 ' tion. He says, that the owners of such houses
 ' may buy cheaper than soldiers can: Is there any
 ' foundation for saying so? May not a soldier buy
 ' as cheap at market as his landlord can? And
 ' when five or six of them join together, as they
 ' usually do, may not they buy as large a joint
 ' of meat, or as great a quantity of provisions,
 ' as a common house-keeper does for his family?
 ' Sir, they will buy cheaper for themselves, than
 ' their landlord can for them: We know what a
 ' difference there is between the prices of diffe-
 ' rent joints of the same sort of meat, or between
 ' the several species of the same kind of provi-
 ' sions. When soldiers buy for themselves, they
 ' will be contented with the coarsest and cheapest
 ' sort; when their landlord buys for them, they
 ' will insist upon having the finest and dearest.

' The other reason assigned by the honourable
 ' gentleman for the necessity he pleads for, is,
 ' that in times of scarcity, a soldier cannot subsist
 ' upon a groat a day, and must therefore be sub-
 ' sisted by his landlord at that price, because he
 ' can afford no more. Both these facts, Sir, I
 ' deny. There has never been, that I know of,
 ' such a scarcity in *England*, as to make it impos-
 ' sible for a man to subsist upon a groat a day, if
 ' he contented himself with the coarsest sort of
 ' provisions; but the truth of the matter, I be-
 ' lieve, is, the honourable gentleman and his
 ' friends have a mind, that in times of scarcity
 ' soldiers should feed as delicately, and fare as
 ' well, as they can do in times of the greatest
 ' plenty; whereas I am for their being made sen-
 ' sible of the distresses of their country. I like-
 ' wise deny, Sir, that a soldier can afford no more
 ' than a groat a day for diet and small beer. It
 ' is very well known, that the soldiers in our
 ' marching regiments are paid six-pence a day by
 ' the

' the government; and why two-pence a day
 ' should be with-held from a poor soldier's pay,
 ' I can find no reason, unless it be, that the
 ' colonel should make such a profitable contract,
 ' as to get 1000 or 1500 *l.* by cloathing his re-
 ' giment, and that all the poor fellows should
 ' appear clean shaved, and well powder'd at a
 ' review. For my part, I think a man without
 ' any powder in his hair, and even with a long
 ' beard, may look as like a soldier, and do his
 ' business as well, as a man with a smock face
 ' and powder'd locks; and therefore I must think,
 ' that of late years our army has been designed
 ' rather to kill the ladies, than to kill the ene-
 ' mies of their country: For this reason, I am of
 ' opinion, that if our soldiers were put to no
 ' greater expence than is absolutely necessary for
 ' their appearing like soldiers, and not like beaux,
 ' a soldier even of a marching regiment might
 ' spare *5d.* a day for diet and small beer; and
 ' with respect to the soldiers of the foot-guards,
 ' as they are paid *8d.* a day by the government,
 ' I am surpriz'd to hear it so much as insinua-
 ' ted, that they cannot spare above *4d.* a day for
 ' diet and small beer; yet no difference is, I find,
 ' to be made between the soldiers of marching
 ' regiments, and those of the foot-guards, tho'
 ' the latter can certainly afford to pay more for
 ' diet and small beer, than the former, and tho'
 ' the latter are generally quarter'd in *Westminster*,
 ' and about *London*, where house-rent and provi-
 ' sions are always dearer than in country places,
 ' or cities remote from *London*.

' Thus, Sir, I hope I have shewn, that by the
 ' clause now offer'd, a most heavy additional tax
 ' would be laid upon the owners of our publick-
 ' houses; that it is a tax which they could not
 ' oblige their customers to bear any part of; and
 ' that it is a most unnecessary tax, because sol-

‘ diers may provide for themselves, not only in
 ‘ times of plenty, but even times of scarcity, un-
 ‘ less that scarcity should be so very extraordinary
 ‘ as has seldom or never happen’d, and ought
 ‘ not therefore to be made a foundation for a ge-
 ‘ neral and standing regulation, which will at all
 ‘ times be a grievance upon a great part of the
 ‘ people, and which may probably diminish the
 ‘ number of our publick-houses, so as to make
 ‘ the building of barracks, or the quartering of
 ‘ soldiers upon private houses, absolutely neces-
 ‘ sary.’

The next speaker in this debate was Mr. At-
 torney General, the purport of whose speech was
 as follows, *viz.*

‘ Mr. Speaker,

Mr. Attor-
 ney Gene-
 ral's speech.

‘ Sir, As most of the arguments made use of
 ‘ against the clause now offer'd to you, have been
 ‘ founded upon a supposition, that the law, as
 ‘ it stands at present, does not oblige inn-keep-
 ‘ ers and others, upon whom soldiers may be
 ‘ lawfully quarter'd, to furnish them with diet
 ‘ and small beer, I shall beg leave to shew you,
 ‘ that the law is otherwise, and that what is now
 ‘ offer'd, is nothing but an explanation and en-
 ‘ forcement of what has been law ever since we
 ‘ had such an act as a mutiny act in this king-
 ‘ dom.

‘ Sir, in order to find out the meaning of the
 ‘ law as it now stands, we must not look to the
 ‘ clause for obliging the owners of publick-
 ‘ houses to receive the soldiers lawfully quarter'd
 ‘ upon them, because that clause was but lately
 ‘ introduc'd, and must be explained by the other
 ‘ clauses in the bill; but we must consider what
 ‘ was anciently meant by the term quartering;
 ‘ and if we consider what was anciently meant by
 ‘ quartering, we must conclude, that the owners
 ‘ of

‘ of private houses, as well as publick, were
‘ obliged to furnish the soldiers quarter’d upon
‘ them with every thing necessary, according to
‘ those rules which were prescribed by the com-
‘ manders of the troops so quarter’d. Before the
‘ Restoration, we hrd no such thing as an army,
‘ or any regular troops, but in time of war; and
‘ then, I believe, it will be allow’d, that the
‘ commanders were the only judges, how their
‘ soldiers were to be treated, by those upon
‘ whom they were quarter’d. If they had ready
‘ money wherewithal to pay their soldiers,
‘ they generally order’d them to pay ready mo-
‘ ney for what they had; but if they could not
‘ pay the soldiers, the persons upon whom they
‘ were quarter’d, were then oblig’d to furnish
‘ them not only with lodging, but also with diet
‘ and small beer, and to bring their accounts in
‘ to the publick, in order to receive satisfaction.
‘ This was the practice in time of war, before
‘ the Restoration; but as we began soon after that
‘ period to keep regular troops in continual pay,
‘ and as the officers of these troops began to
‘ practise in time of peace, what had been for-
‘ merly practised in time of war, therefore, to-
‘ wards the latter end of King *Charles* II^d’s reign,
‘ that law which has been mentioned, was made,
‘ by which it was enacted, “ That soldiers should
“ not be quarter’d upon any house whatsoever,
“ without the consent of the owner.” From the
‘ Revolution to the year 1692, the nation was in
‘ a state of war, and probably this law was not
‘ observ’d; but the tranquillity of the nation be-
‘ ing intirely restored, a new law was made for
‘ regulating the quartering of soldiers, and for
‘ confining it within certain legal bounds, with-
‘ out leaving it to the discretion of any military
‘ whatsoever.

‘ By that law, Sir, the constables and other
‘ civil officers were impower’d to quarter or billet
‘ soldiers upon publick-houses, and upon them
‘ only, and therefore had the same power grant-
‘ ed them by law, which the commanding offi-
‘ cers of the troops had formerly assumed against
‘ law; that is to say, by their billeting of sol-
‘ diers upon publick-houses, they gave them a
‘ right to insist not only upon lodging, but upon
‘ diet and small beer, for what they could afford
‘ for it out of their pay; and if they received no
‘ pay, then the houses upon which they were
‘ quarter’d, were to keep an account, and to
‘ bring their accounts in to the publick, in or-
‘ der to receive satisfaction; and to prevent all
‘ disputes between the soldiers and their land-
‘ lords, the justices of the peace were order’d
‘ and impower’d to settle the rates of all such
‘ provisions, as were furnish’d by the landlords.
‘ That this was the meaning of those, who first
‘ gave the constables a legal power to quarter
‘ soldiers: That by quartering they intended,
‘ that soldiers should have entertainment as well
‘ as lodgiug, at the houses where they were so
‘ quarter’d, is, I think, plain, from their limit-
‘ ing that power to publick-houses only; for
‘ if they had intended, that soldiers should
‘ have nothing but lodging, at the houses where
‘ they were quarter’d, they would certainly have
‘ given the constables a power to quarter soldiers
‘ upon all houses that let lodgings, as well as
‘ upon inn-keepers, victuallers, and other such
‘ houses. And the clause inserted in the mutiny
‘ act passed in the year 1696, makes it evident,
‘ that it was then supposed, that the owners of
‘ publick-houses were by the law, as it stood
‘ before, obliged to furnish the soldiers with diet
‘ and small beer; for if this had not been sup-
‘ posed, there would have been no occasion for
‘ in-

‘ inserting a clause, “ That inn-keepers should
“ not be obliged to provide meat, or any other
“ victuals, for any foldiers legally quarter’d upon
“ them, if they should give or tender to
“ such foldiers 4*d.* a day for their subsistence in
“ meat only, besides candle and the use of their
“ fire for dressing their meat.”

‘ How that 4*d.* a day was to be repaid to the
‘ inn-keepers, who did advance it to the foldiers;
‘ I do not know, for there is no clause in the act
‘ for ordering or regulating the repayment of it;
‘ but even suppose it was duly and regularly re-
‘ paid, it was harder upon inn-keepers, than what
‘ is now proposed; and yet I never heard, that
‘ it diminished the number of our publick-houses,
‘ or that any inn-keeper or victualler gave up his
‘ business upon that account; and therefore, if
‘ the same clause were to be revived, we should
‘ have no reason to apprehend any such conse-
‘ quence from it. But as our army is now regu-
‘ larly paid, we have no occasion to oblige the
‘ owners of publick-houses to advance any money
‘ to the foldiers quarter’d upon them, or to give
‘ any long credit to such foldiers. They are
‘ now, they have for several years been obliged
‘ to receive the foldiers lawfully quarter’d upon
‘ them. In this clause, the word *receive* must
‘ certainly relate to, and be explained by the
‘ word *quarter’d*; and if by quartering be meant,
‘ the furnishing a foldier with diet and small
‘ beer, as well as lodging, the owners of the
‘ houses where foldiers are lawfully quarter’d,
‘ are already by law obliged to do so. In this
‘ sense the law has been always, till very lately,
‘ interpreted; it has for many years been the
‘ custom to furnish the foldiers with diet and
‘ small beer, as well as lodging, at the houses
‘ where they were quarter’d, and at such rates
‘ as they were able to pay. This, I say, has

' for many years been a continued custom; and
 ' a custom founded on law makes law: At least
 ' custom is the best interpreter of law, and some-
 ' times puts a meaning upon the words of a law
 ' different from what at first view they seem to
 ' bear.

' This being the case, Sir, what are we now
 ' to do? We are not to alter the law, or to esta-
 ' blish any new regulation; we are only to ex-
 ' plain and inforce what has been law for almost
 ' these forty years; and this we are oblig'd to do,
 ' by a doubt which some people have been lately
 ' pleased to raise, I think, without any founda-
 ' tion, in order to prevent people's exposing
 ' themselves to law-suits and penalties; for by
 ' the law, as it stands now, the owner of a pub-
 ' lick-house that refuses to receive any soldier
 ' lawfully quarter'd upon him, is to be fined by
 ' the justices, in a sum not exceeding 5*l*. nor un-
 ' der 40*s*. and consequently, if by receiving be
 ' meant the furnishing of such soldier with lodg-
 ' ing, diet, and small beer, at a groat a day,
 ' every inn-keeper that shall refuse to do so, sub-
 ' jects himself to this penalty, and the justices
 ' must fine him, if the soldier or any other per-
 ' son comes to make the complaint.

' I shall grant, Sir, that this doubt, which has
 ' been so groundlessly raised, might be deter-
 ' mined by one single law-suit; but in the mean
 ' time a great number of people would subject
 ' themselves to the penalties of the law, and the
 ' determination of the question in dispute would
 ' not free them from those penalties; but on the
 ' contrary, would encourage people to prosecute.
 ' Suppose a law-suit were commenced against
 ' some inn-keeper that had refused to furnish the
 ' soldiers lawfully quarter'd upon him, with diet
 ' and small beer at a groat a day; that law-suit
 ' could not in several months be brought to a
 ' con-

‘ conclusion; in the mean time many other inn-
‘ keepers would refuse in the same manner; for
‘ most men are apt to think themselves in the
‘ right, and to hope that the question in dispute
‘ will be determined in their favour. Then sup-
‘ pose, that upon the event of this law-suit, it
‘ should be determined, that inn-keepers and o-
‘ thers are by the law as it stands at present, ob-
‘ liged to furnish the soldiers lawfully quarter’d
‘ upon them, with diet and small beer at a groat
‘ a day, and that every man who refuses, subjects
‘ himself to the penalty of the law, which, as
‘ I have said, is a fine to be imposed by any one
‘ justice of the peace, before whom the complaint
‘ is made, of 40s. or some greater sum, not ex-
‘ ceeding 5*l*. In this case, every inn-keeper who,
‘ during the controversy, had refused to furnish
‘ the soldiers lawfully quarter’d upon him, with
‘ diet and small beer, would be liable to the pe-
‘ nalty, and to be prosecuted for it before the
‘ next justice of the peace.

‘ We may from hence see, Sir, what a num-
‘ ber of prosecutions this would occasion; for as
‘ this complaint might be made either by the sol-
‘ dier, or by any other person whatsoever; and
‘ as the justice of peace, upon full proof, must fine
‘ in at least 40s. a prosecution would certainly
‘ be brought against every man that had incur’d
‘ the penalty, either by the soldier that had been
‘ refused what he had by law a right to demand,
‘ or by some envious neighbour or rival trades-
‘ man. I therefore think, that what is now of-
‘ fer’d cannot in charity be refused, in order to
‘ prevent people’s exposing themselves to penal-
‘ ties, which, in my opinion, would certainly be
‘ recover’d against them.’

The next that rose up was Sir *John Barnard*,
who spoke to this effect :

‘ Sir, The honourable gentlemen who have
 ‘ appeared as advocates for this clause, seem to
 ‘ shew a great concern for preventing the peo-
 ‘ ple’s involving themselves in law-suits; and I
 ‘ must say, they are taking a very effectual me-
 ‘ thod for doing it; for if what they propose
 ‘ should pass into a law, the people that are to
 ‘ be affected by it, will soon have nothing to
 ‘ contend for, which, I shall grant, is a most ef-
 ‘ fectual method for preventing their being in-
 ‘ volv’d in any law-suit whatever. When the
 ‘ people are utterly undone, I shall admit, that
 ‘ this clause will have the effect of preventing
 ‘ their being afterwards involv’d in any law-suit;
 ‘ but till then, it will have a quite contrary ef-
 ‘ fect; for if you oblige the owners of publick-
 ‘ houses to furnish the soldiers quarter’d upon
 ‘ them with reasonable provisions, or with diet
 ‘ and small beer, under any penalty to be reco-
 ‘ ver’d before one or more justices of peace,
 ‘ there will be perpetual disputes between them
 ‘ about what is to be called reasonable provisions,
 ‘ or reasonable diet and small beer. The soldier
 ‘ will carry his complaint before some justice,
 ‘ whom he he knows to be in his interest: The
 ‘ justice will probably fine the landlord, and the
 ‘ latter will certainly seek relief against what he
 ‘ thinks an unjust sentence, either by appeal to
 ‘ the quarter sessions, or some more expensive
 ‘ method. Thus, Sir, the owners of our pub-
 ‘ lick-houses will all at last be eat up, either by
 ‘ the soldiers or the lawyers; and till then, the
 ‘ clause now proposed will create instead of pre-
 ‘ venting law-suits.

‘ This, Sir, will certainly be the consequence,
 ‘ if you lay inn-keepers and others under an ex-
 ‘ press obligation to furnish the soldiers quarter’d
 ‘ upon them with diet and small beer at a groat

‘ a

‘ a day. Without any such obligation, they
‘ will always do so, when the soldiers are con-
‘ tented with what can be furnished at that price:
‘ They will even furnish a little more, or better
‘ than what can be afforded at that price, in or-
‘ der to make the soldiers easy in their quarters;
‘ and the soldier will be satisfied with what his
‘ landlord provides for him, because he knows,
‘ his landlord lies under no obligation to provide
‘ for him, and that he cannot provide for him-
‘ self so well; but if you lay the landlord under
‘ an express obligation, he will never be able to
‘ satisfy the soldiers quarter’d upon him, unless
‘ he ruins himself by providing for them a great
‘ deal better than can be afforded for the price
‘ they are able to pay. If he does not, there will
‘ be continual complaints against him, and thus
‘ he must be ruined either by giving the soldiers
‘ much more than he can afford, in order to pre-
‘ vent their complaints, or by giving his mo-
‘ ney to lawyers for defending him against these
‘ complaints. It cannot therefore be said, that
‘ this clause is calculated for preventing law-suits,
‘ and it is something very strange to say, that
‘ what is now proposed is not so great a hard-
‘ ship as the clause enacted in the year 1696-7.
‘ I hope the learned gentleman does not think,
‘ that the money then advanced by inn-keepers
‘ was never repaid: If this be insisted on, the
‘ whole act must be read, in order to see whether
‘ there was any, and what provision for the re-
‘ payment of that money; but it will not, I be-
‘ lieve, be insisted on: The whole was certainly
‘ repaid by the government as soon as possible,
‘ and deducted out of the pay due to the respec-
‘ tive regiments. By that law, therefore, the
‘ landlord only lay out of his money for a short
‘ while, but lost no part of the principal: By
‘ what is now proposed, he is to be obliged to

‘ furnish provisions to the soldiers for a groat a
 ‘ day, which cost him perhaps sixpence or eight-
 ‘ pence, so that he will certainly lose fifty or a hun-
 ‘ dred *per cent.* of his principal money; and that
 ‘ without so much as a hope of reaping the least
 ‘ advantage. Can this, Sir, be said to be the least
 ‘ hardship? Is it possible for any man to think so?

‘ I shall grant, Sir, that inn-keepers have gene-
 ‘ rally provided for the soldiers quartered upon
 ‘ them, at such prices as they were able to pay;
 ‘ but I was surprized to hear the learned gentle-
 ‘ man say, that this practice made law. The
 ‘ practice in courts of record may sometimes make
 ‘ law: I know it is generally look’d upon as such
 ‘ when it has continued the same for a very long
 ‘ time; but will it be said, that the practice be-
 ‘ tween a landlord and his soldier can ever make
 ‘ law? It is at present a practice, and it has long
 ‘ been a custom in *Southwark*, among those who
 ‘ keep livery stables, to give the dragoons quar-
 ‘ tered upon them so much a week, to provide
 ‘ stabling for their horses somewhere else. Will
 ‘ any one say, that this practice has made law, or
 ‘ that the owners of these stables are now obliged
 ‘ to do so? The furnishing of soldiers with diet
 ‘ and small beer, has been practised by the inn-
 ‘ keepers, because they were able to do so; but
 ‘ by this clause you will put an end to the prac-
 ‘ tice, because you will render it impossible for
 ‘ them to do so without ruining themselves.

‘ I do not pretend, Sir, to be a lawyer, but I
 ‘ have conversed with some that are, and from
 ‘ them I have often heard, that penal statutes are
 ‘ to be strictly interpreted: If so, I am sure no
 ‘ court in the kingdom would think itself impow-
 ‘ ered to fine an inn-keeper, for not furnishing
 ‘ diet and small beer to the soldiers quartered in
 ‘ his house, by virtue of that clause which inflicts
 ‘ a penalty upon those that shall refuse to receive a
 ‘ soldier

‘ soldier lawfully quartered or billeted upon him.
‘ Even suppose it should be hereafter determined,
‘ upon the event of a law suit, that, receiving,
‘ means, furnishing with diet and small beer,
‘ which I am persuaded it never will, yet no
‘ judge, I believe, would venture to fine a man
‘ upon such a forced and far-fetched construction,
‘ especially if the refusal had preceded that con-
‘ struction’s being put upon the word by any pro-
‘ per authority. We have therefore no cause to
‘ fear, that a multiplicity of law suits or prosecu-
‘ tions will be the consequence of our refusing the
‘ clause now offered; and if the law should be left
‘ standing as it is at present, I believe, the inn-
‘ keepers have as little reason to fear, that upon
‘ the event of a law suit, the question will be
‘ determined against them. But if it should, it
‘ would then be high time to alter the law; for it
‘ would certainly be very hard to give the soldier
‘ a power of obliging his landlord to furnish him
‘ at a groat a day when provisions happen to be
‘ dear, and a liberty to furnish himself when pro-
‘ visions happen to be cheap.

‘ I shall admit, Sir, that it may sometimes be
‘ very hard for soldiers to live upon a groat a day,
‘ and as things are managed, I believe, they have
‘ very little more to spend. At such times they
‘ must content themselves with coarse fare. But
‘ at all times they may subsist upon a groat a day:
‘ They generally do at a much cheaper rate, be-
‘ cause half a dozen or a dozen of them usually
‘ mess together, and buy large quantities of pro-
‘ visions at a time. The marines did so at *South-*
‘ *ampton*; and there, I know, they subsisted them-
‘ selves plentifully for less than a groat a day,
‘ though that country is far from being the cheap-
‘ est in this kingdom, nor was that a time of any
‘ extraordinary plenty. I can therefore see no ne-
‘ cessity for the clause proposed, which I take to
‘ be

‘ be a new and a very extraordinary regulation;
 ‘ and as I think it would subject the publick-houses
 ‘ in the kingdom to great hardships, and might be
 ‘ made a handle for destroying the liberties of the
 ‘ people, I must give my negative to its being
 ‘ made a part of this bill.’

General *Wade* stood up next, and spoke in substance thus.

General
Wade's
 speech.

‘ Sir, As I was in the service in King *William's*
 ‘ reign, and very well remember the circumstances
 ‘ the army was in when the mutiny act, which
 ‘ has been so often mentioned in this debate, was
 ‘ passed, I think it incumbent upon me to give
 ‘ you the reason for inserting that clause, which
 ‘ gave an option to inn-keepers to furnish the soldiers
 ‘ quartered upon them, with diet and small
 ‘ beer, or to pay them a groat a day. In that
 ‘ reign, Sir, the government was far from being
 ‘ so flush of money as it has been since. The Revolution
 ‘ being in its infancy, there was but very
 ‘ little publick credit; for people had not forgot
 ‘ the shutting up of the Exchequer in King
 ‘ *Charles's* reign; and therefore, even after the
 ‘ Parliament had granted a fund, it was very difficult
 ‘ to borrow money upon it, so that the government
 ‘ was very often without money, and
 ‘ our troops here at home were sometimes for
 ‘ several months without pay. I remember the
 ‘ regiment I was in, was called up to *London* upon
 ‘ the assassination plot in the year 1696, when we
 ‘ had been for eight months without any pay, and
 ‘ at last we were paid in exchequer bills, which it
 ‘ was very difficult to get changed into money, in
 ‘ order to divide it among the soldiers.

‘ I do not know, Sir, what the meaning of the
 ‘ law was at that time, or what it is now, for the
 ‘ clauses relating to the quartering of soldiers are

‘ now

‘ now pretty much the same they were then; but
‘ I very well remember, that the houses upon
‘ which we were quartered, never refused to fur-
‘ nish the soldiers with diet and small beer, and it
‘ was then absolutely necessary they should do so,
‘ because the soldiers, and even many of the offi-
‘ cers, had no money to go to market with, and
‘ could not therefore provide for themselves. But
‘ as many of the inn-holders found great inconve-
‘ niencies in furnishing and dressing victuals for
‘ the soldiers, especially when they had their
‘ houses crowded with other company, and as this
‘ occasioned some murmuring, the Parliament re-
‘ solved to give them all possible relief, and for
‘ this purpose that clause was inserted, which gave
‘ an option to the inn-holder, either to provide
‘ victuals for the soldiers, or to give them a groat
‘ a day to provide for themselves. If they fur-
‘ nished victuals, they brought in each respective
‘ man’s account; if they gave money, they
‘ brought in an account of what they had advan-
‘ ced, and to whom; all which accounts were set-
‘ tled by the commanding officer, before the regi-
‘ ment, troop, or company left the place where
‘ they quartered; and these accounts became a
‘ debt upon the government, and were reckoned
‘ as part of the regiment’s pay. But it cannot be
‘ said, that the inn-holders lost nothing by this
‘ method; for the money they advanced was
‘ sometimes a long while of being repaid, and as
‘ the poor inn-holders could not always wait so
‘ long for their payment, they were often obliged
‘ to sell their demands upon the government at a
‘ very great discount, which is far from being the
‘ case at present.

‘ Having thus, Sir, given you an account of
‘ the circumstances of the army, and of the prac-
‘ tice in King *William’s* time, I must desire, that
‘ gentlemen would consider what an inconvenience
‘ would

' would insue, if it should be supposed, that no
 ' inn-keeper is obliged to furnish diet and small
 ' beer to the soldiers quartered upon him, and if
 ' at the same time we should by any misfortune
 ' or accident be reduced to the circumstances we
 ' were in during King *William's* reign: In that
 ' reign, if inn-keepers had supposed they were
 ' not obliged to furnish soldiers with any thing
 ' but house-room and a bed, I am sure, the troops
 ' kept here at home must either have starved, or
 ' lived by plunder; and as publick credit is of a
 ' very precarious nature, we should be extremely
 ' cautious of establishing or propagating any max-
 ' im that would be attended with great inconve-
 ' niencies, and even danger, in case our publick
 ' credit should fail so, as to make it impossible for
 ' our government to pay the troops kept at home
 ' punctually and regularly.

' What the lawyers may mean, Sir, by quar-
 ' ters, I am no judge of; but among soldiers we
 ' generally mean by quarters, the place where we
 ' are to have both bed and board for our money,
 ' in case we find it necessary to insist upon having
 ' both; and when we are sent to live upon any
 ' country, without being obliged to pay money
 ' for what we have, we call it free quarters,
 ' which is certainly a very great oppression, and is
 ' seldom practised, but in an enemy's country;
 ' but I cannot think it any great oppression to
 ' oblige those, who keep houses of entertainment,
 ' to entertain soldiers, upon their paying duly for
 ' what they have: It is really absolutely necessary
 ' upon many occasions, because soldiers are often
 ' quartered round a country, so that many of
 ' them are far from any market-town; and as
 ' they must be always at their quarters, and ready
 ' at a call, it is impossible for them to repair daily
 ' to the next market-town, to buy provisions for
 ' themselves. Upon a march too, it will often
 ' be

‘ be impossible for the soldiers to provide for them-
‘ selves; and therefore, the providing for soldiers
‘ upon a march, was made an exception to the
‘ option allowed to inn-keepers by the law in
‘ 1696.

‘ As to the inconveniencies and dangers we
‘ have been frightned with in this debate, they
‘ do not at all affect me, because I take them
‘ to be all chimerical. Even barracks, which is
‘ here made such a bugbear of, is not in the least
‘ frightful to me, though I have as great a regard
‘ for the liberties of my country as any gentleman
‘ in this house. I could never yet conceive how
‘ barracks can be thought inconsistent with the li-
‘ berties of the people; for an army of true *Eng-
‘ lish* will never be dangerous to liberty, whether
‘ in quarters or in barracks; and an army of fo-
‘ reigners would be as dangerous to liberty in
‘ quarters as they could be in barracks. The only
‘ difference is, that an army in quarters is much
‘ more inconvenient and troublesome to the peo-
‘ ple, and the soldiers not so easily kept to their
‘ duty, as when they are in barracks; and there-
‘ fore, not only as a friend to discipline in the
‘ army, but as a friend to the people, I should
‘ chuse to have our troops always lodged in bar-
‘ racks, when there is no occasion for having
‘ them in a camp. But the people of this king-
‘ have been taught to associate the ideas of bar-
‘ racks and slavery so close together, that, like
‘ darkness and the devil, though there be no man-
‘ ner of connexion between them, yet they cannot
‘ separate them, nor think of the one without
‘ thinking at the same time of the other. In *Ire-
‘ land* it was the same, when barracks were first
‘ erected there: The people considered barracks as
‘ the most hideous things that could be thought
‘ of: They imagined they were all to be down-
‘ right slaves as soon as these barracks were erect-
‘ ed;

' ed; yet now, they are perfectly reconciled to
 ' them, because they find they are rather more
 ' free than they were before, and the troops much
 ' less troublesome to them. And if barracks were
 ' erected in this kingdom, I am convinced the
 ' consequence would be the same: The people
 ' might be startled a little at first; but they would
 ' soon find themselves as free as before, and much
 ' less incumbered with soldiers than they were
 ' when the army was quartered upon them; and
 ' they would from thence learn to separate those
 ' two ideas which are now, without any reason,
 ' so closely connected in their minds.

' For this reason, Sir, if the building of bar-
 ' racks should be the effect of what is now pro-
 ' posed, I should think it no bad effect: I am
 ' persuaded the people would find it a very good
 ' one. But till barracks are built the soldiers must
 ' be quartered, and as it often happens, and whilst
 ' they are in quarters, must often happen, to be
 ' impossible for them to provide for themselves,
 ' they must be provided for by those upon whom
 ' they are quartered, at such prices as they are a-
 ' ble to pay. If they should demand a greater
 ' quantity, or a better sort of victuals than can be
 ' afforded for what they are able to pay, the land-
 ' lord is not obliged to comply with their de-
 ' mands, nor is the soldier, or his officer, but the
 ' civil magistrate to be the judge, because if the
 ' soldier should think himself not sufficiently sup-
 ' plied by his landlord, he has no redress but by a
 ' complaint to the neighbouring justices of peace,
 ' and they only are to be judges between him and
 ' his landlord. From hence, I think, it is evi-
 ' dent, that this clause can be attended with no
 ' oppression, extortion, or exaction; and as it is in
 ' many cases absolutely necessary, I therefore hope
 ' it will be agreed to.'

The

The next and the last speech we shall give upon this subject, was made by *William Pulteney*, Esq; the purport of which was as follows :

‘ Sir, We are obliged to the honourable gentlemen for explaining to us the meaning, and the reason of the clause in King *William’s* time, whereby landlords were obliged to furnish the soldiers with meat and other victuals, or to give them 4*d.* a day to furnish themselves. The necessities of our government, the bareness of our Exchequer, the low state of publick credit, made it absolutely necessary for our Parliament at that time to agree to such an oppressive expedient: But that very expedient shews, that we ought not to agree to what is now proposed; it shews, that when soldiers have ready money, they may provide for themselves; and therefore, now they have ready money, we ought not to oblige their landlords to provide for them. We may, it is true, Sir, be again reduced to the same necessities we labour’d under in King *William’s* reign: A wasteful minister, who thinks of nothing but the period of his own administration, may sweep the Exchequer clean; and if we take no care to pay off, in time of peace, the debts we are obliged to contract in time of war, our publick credit must at last sink as low as ever. If ministers in time of peace convert to the current service, those funds that were set apart for paying off our debts, in order to conceal from the people their prodigality, or the needless expences they put the nation to, people will begin to foresee the distresses we must be drove to, as soon as a heavy war happens; and those that are wise, will begin in time to draw their fortunes out of our publick funds: This will diminish by degrees our
‘ publick

Mr. Pulteney's speech.

‘ publick credit, and at last, when we have the
 ‘ greatest occasion for it, we shall probably have
 ‘ none left. These fatal circumstances we should
 ‘ take care to prevent by our good conduct; but
 ‘ surely, the danger of our falling into these
 ‘ circumstances can be no reason for subjecting
 ‘ any part of the people to such hardships as can
 ‘ be justified by nothing but such necessities.

‘ I say, Sir, such hardships as can be justified
 ‘ by nothing but such necessities: But in the pre-
 ‘ sent case I must go farther; I must say, that
 ‘ what is now proposed, can be justified by no
 ‘ necessity. It is a hardship to oblige a free-
 ‘ born subject to receive a lodger into his house,
 ‘ whether he will or no; but it is an insuffera-
 ‘ ble hardship to oblige him to provide and dress
 ‘ victuals for his lodger, whether he will or no,
 ‘ and at a price too, which he does not approve
 ‘ of. This, Sir, is a hardship, which the Par-
 ‘ liament would not, we find, agree to, even in
 ‘ the year 1696, notwithstanding the necessities
 ‘ our government was then under; and the ex-
 ‘ ception then made, with regard to soldiers up-
 ‘ on a march, was not because the soldiers could
 ‘ not provide for themselves, if they had been
 ‘ furnished with ready money, but because they
 ‘ were to breakfast at one place, dine at another,
 ‘ and sup at a third, and the proportion to be
 ‘ advanced in ready money for each meal, ra-
 ‘ ther than furnish them with it, could not be
 ‘ adjusted by Parliament.

‘ But this of providing and dressing victuals
 ‘ for the soldiers, we are told, cannot be supposed
 ‘ to be a hardship, because it has been practised,
 ‘ and inn-keepers have submitted to it for forty
 ‘ years past. Sir, whilst we had but ten or twelve
 ‘ thousand men of regular troops in the king-
 ‘ dom, most of our inn-keepers submitted wil-
 ‘ lingly to this hardship, because they were but
 ‘ seldom

' seldom expos'd to it, and when they happen'd
 ' to be so, they could bear the expence and
 ' trouble, because they had but few soldiers
 ' quarter'd upon them; but now we have near
 ' forty thousand regular troops within the king-
 ' dom, the hardship is so frequent and so heavy,
 ' that it is impossible for them to bear it. The
 ' most proper method, therefore, for having this
 ' practice continued, is to diminish the number of
 ' your troops kept at home, and this, I hope, will
 ' very soon be done; for if the war continues, I
 ' hope a great part of our land army will be
 ' sent out to attack the enemy; and if the war
 ' should be ended by an honourable treaty, for
 ' by no other sort of treaty it can be ended,
 ' however it may be suspended, I hope his Ma-
 ' jesty, out of his paternal affection to his people,
 ' will disband a great part of his army, even tho'
 ' the Parliament should not desire it; for I little
 ' expect, in my time, to see a Parliament desi-
 ' ring any thing that may seem to be disagree-
 ' able to a minister.

' The practice in times past is, therefore, Sir,
 ' no proof, that the providing and dressing vic-
 ' tuals for soldiers is no hardship upon those,
 ' who submitted to it, whilst it was no heavier
 ' than they could bear; and as little is it a proof,
 ' that the meaning of the law is such, as a learn-
 ' ed gentleman has been pleas'd to represent;
 ' or that the obliging inn-keepers by law to do
 ' what they have done without law, would be
 ' attended with no inconvenience. It is this very
 ' thing, that has made it possible for them to
 ' do so. It is their not being oblig'd to provide
 ' victuals for the soldiers quarter'd upon them,
 ' that has enabled them to provide; because the
 ' soldiers contented themselves with a little more
 ' than they could afford for the money: If you
 ' lay them under a legal obligation to do so, the

' soldiers will not be so easily satisfied. They
 ' are not now easily satisfied; I myself saw once
 ' in travelling, a very good dinner dressing at an
 ' inn in the country, which I was told, was for
 ' five or six dragoons quarter'd there; I thought
 ' it sufficient for much better company, and yet
 ' the dragoons, I was told, were not satisfied
 ' with it. They do not always complain, when
 ' they are not pleased, but they grow mischie-
 ' vous, they cut the linen, mangle the plates
 ' and the dishes, and play many other tricks, by
 ' which the landlord suffers: These tricks they
 ' would practise in a more extravagant degree,
 ' and much oftener, if you should agree to this
 ' clause. They would not go to a justice to
 ' complain for want of victuals; but by such
 ' methods they would force their landlord to
 ' complain of them, and he could complain to
 ' none but their officers. Whilst they know,
 ' that their landlord is not obliged to furnish
 ' them victuals, they will generally keep within
 ' some bounds; but if you remove this check,
 ' they will exceed all, which will of course raise
 ' such discontents, as may endanger our govern-
 ' ment.

' As I am a friend to our present establishment,
 ' I shall be for any expedient, which I think the
 ' subject can bear: As such, I shall always be for
 ' preventing, as much as possible, any occasion
 ' for mutiny in the army, or for discontents a-
 ' mong the people; but I shall never be for
 ' raising the latter for the sake of preventing the
 ' former, because it will endanger our present
 ' happy establishment, or nail down upon us a
 ' numerous standing army. Let us consider, Sir,
 ' that we are not now upon a bill for raising mo-
 ' ney for the publick service: Against such bills,
 ' I think, you have laid it down as a rule, that
 ' no petitions are to be received; but I hope you
 ' will not say, that no petitions are to be receiv'd
 ' against

‘ against any clause in this bill. The clause now
‘ proposed will certainly have petitions against it
‘ from most parts of the kingdom: The petition-
‘ ers must be heard: By this means the bill may be
‘ lost, or delay’d till after the mutiny act now
‘ subsisting be expired. What confusion would
‘ this breed in your army? The regiments must
‘ all disband; it would be a sort of high treason
‘ to keep them together, or to exercise any
‘ martial law in this kingdom.

‘ Is this, Sir, a risk to be run, for the sake of
‘ making an alteration in the law, which expe-
‘ rience has shewn the army may subsist well
‘ enough without? I say, an alteration in the
‘ law; for notwithstanding the meaning put up-
‘ on the word quarters, by the honourable gen-
‘ tleman who spoke last, and by the learned gen-
‘ tleman who spoke some time before him, I
‘ must insist, that in this country, the word
‘ quarters signifies no more than a lodging as
‘ convenient as the owner of the house can af-
‘ ford. The soldiers may perhaps think, that
‘ it likewise implies all necessary provisions at
‘ such prices as they can pay for them; but sol-
‘ diers often form notions, and annex ideas to
‘ words, that are very inconsistent with the laws
‘ of this country, or with the constitution of
‘ any free government. In this country however,
‘ even the soldiers have not yet formed such a
‘ notion of quarters: At least here in *Westmin-*
‘ *ster*, they have not; for they never desire any
‘ thing more than a lodging at the place where
‘ they are quarter’d; nor has any of our mu-
‘ tiny acts given them encouragement to ex-
‘ pect more, except that in 1696; and as that
‘ law was the effect of necessity, it ceased as soon
‘ as the necessity was over. It may, perhaps, be
‘ necessary, now you have so great an army on
‘ foot, to oblige landlords to furnish the soldiers

‘ quarter’d upon them with the use of their fire
 ‘ and kitchen utensils, for dressing and eating
 ‘ the provisions they purchase for themselves ;
 ‘ but even this you ought to take time to consider of; for an army is a dangerous tool to play
 ‘ with: It ought not to be handled rashly by
 ‘ those who have a regard for the liberties of
 ‘ their country.

‘ I shall readily agree, Sir, with the honourable gentleman, that an army of true *Englishmen* can never be dangerous to liberty; because
 ‘ they would disband themselves, when they found
 ‘ they could be of no service to their country:
 ‘ They would scorn to put their country to the
 ‘ expence of maintaining them, when they knew
 ‘ it had no occasion for their service. But when
 ‘ had we, when shall we have such an army? An
 ‘ army of *Englishmen* has once already overturned the liberties of this country, and would
 ‘ probably have perpetuated the tyranny they
 ‘ had set up, if their Generals could have agreed
 ‘ among themselves; for it was not the army,
 ‘ but the disagreement among *Cromwell’s* Generals after his death, that brought about the Restoration of our government under King
 ‘ *Charles II*; and in the late King *James’s* time,
 ‘ it was not so much the army, as the mad bigotry of that Prince, that brought about the
 ‘ Revolution; for if the army had seen, that they
 ‘ were to have been the ministers of that tyrannical government he had set up, they would
 ‘ probably have supported him in it; but they
 ‘ saw, that even they themselves were to be
 ‘ the slaves of his priests and therefore many of
 ‘ them joined in divesting him of that arbitrary
 ‘ power which the army in general had assisted
 ‘ and encouraged him to assume.

‘ I shall grant, Sir, we had at that time the
 ‘ good luck to have several great and eminent
 ‘ patriots,

‘ patriots, who had considerable interest and
‘ commands in the army. By their means a spi-
‘ rit of liberty and patriotism was preserved in
‘ the army; but if it had not been for the open
‘ and notorious bigotry of the Prince, I am
‘ afraid their endeavours would have proved in-
‘ effectual. They would probably themselves
‘ have joined the Prince of *Orange* at his land-
‘ ing; but they must have joined single and
‘ alone; and in that case they might, in all pro-
‘ bability, have fallen victims to their own ho-
‘ nour and their love for their country. I hope
‘ we have still many such officers in our army: I
‘ hope there is still a spirit of liberty among the
‘ soldiers; but whoever considers the insatiable
‘ thirst of most men after power, the effects of
‘ company and conversation upon a man’s way
‘ of thinking, and the rapid progress of martial
‘ law, must conclude, that a numerous standing
‘ army, even of national troops, whether in quar-
‘ ters or in barracks, is absolutely inconsistent with
‘ a free government, especially where the mo-
‘ delling and commanding of that army depends
‘ entirely, as it does in this kingdom, upon the
‘ will of one single man.

‘ It must be admitted, Sir, that a standing
‘ army in quarters will always be more trouble-
‘ some to the people, than a standing army in
‘ barracks; but for this very reason I shall always
‘ be for keeping our army in quarters, that the
‘ people may be sensible of the fetters, which are
‘ preparing for them, before such a number can
‘ be forged, as may be sufficient for shackling
‘ them close down to the ground. The people
‘ have still a power to prevent, or put an end
‘ to the keeping up of too numerous an army;
‘ and I hope they will always think of exerci-
‘ sing this power before it be too late: That
‘ they may do so, I am for keeping our army in

' their view, by having the soldiers quartered a-
 ' mong them. If the soldiers were all kept in
 ' barracks, the people would be insensible of their
 ' numbers, and might not, perhaps, think of re-
 ' ducing them by law, till the army grew so nu-
 ' merous, and became so closely united, as to be
 ' able to support itself against law. Therefore,
 ' Sir, whatever friend I may be to discipline in
 ' the army, which, barring reviews, we have had
 ' no great occasion for, these twenty years past,
 ' whilst I am a friend to the people, I shall think
 ' myself obliged to be against erecting barracks,
 ' and every thing that may in the least contribute
 ' towards its being necessary for us to erect any
 ' such; and consequently, I must be against the
 ' clause now proposed.'

The debate upon this subject being adjourned,
 and the house having according to order resolved
 itself into a committee upon this bill, on the 26th,
 Sir *William Yonge* then stood up, and spoke in sub-
 stance as follows.

Sir *William*
Yonge's
 speech.

' Sir, The last day which was assigned to the
 ' consideration of this bill, was spent in long al-
 ' tercations, in vague and unnecessary disquisitions,
 ' in retrospective reflections upon events long past,
 ' and in aggravating of grievances that may never
 ' happen; much sagacity was exerted, and much
 ' eloquence displayed, but no determination was
 ' attained, nor even that expedient examined, by
 ' which those objections might be removed which
 ' appeared so important, or those dangers obviated
 ' which were represented so formidable and so
 ' near. I hope, Sir, part of the time which has
 ' intervened between that debate and the present
 ' day, has been employed by the gentlemen,
 ' whose scruples were so numerous, and whose
 ' caution is so vigilant, in contriving some me-
 ' thods of maintaining the army without oppress-
 ' ing

ing the victuallers, and of providing for our defence against foreign enemies, without subjecting us to the evils of discontent and disaffection, which they impute to the present state of the military establishment. To object for ever and to advance nothing, is an easy method of disputation upon any question, but contributes very little to the increase of knowledge; an artful and acute objector may confound, and darken, and disturb, but never assists inquiry or illustrates truth. In political questions, Sir, it is still more easy and less ingenuous; for all political measures are in some degree right and wrong at the same time; to benefit some they very frequently bear hard upon others, and are therefore only to be approved or rejected as advantages appear to overbalance the inconveniencies, or the inconveniencies to outweigh the advantages. It is, Sir, the proper province of a member of this house to promote, not to obstruct the publick counsels, and when he declares his disapprobation of any expedient, to endeavour to substitute a better. For how can he be said to sustain his part of the general burden of publick affairs, who lays others under the necessity of forming every plan, and inventing every expedient, and contents himself with only censuring what he never endeavours to amend? That every man who is called forth by his country, to sit here as the guardian of the publick happiness, is obliged, by the nature of his office, to propose in this assembly whatever his penetration or experience may suggest to him as advantageous to the nation, I doubt not but all that hear me are sufficiently convinced; and therefore, cannot but suppose that they have so far attended to their duty, as to be able to inform us how the present inconveniencies of this bill may be remedied, and its defects supplied.

‘ To shew, Sir, at least my inclination to expedite an affair so important, I shall lay before the house an amendment that I have made to the clause, pursuant to a hint offered the last day by an honourable member, “ That all inn-holders, victuallers, &c. shall be obliged to furnish soldiers with salt, vinegar, small beer, candles, fire, and utensils to dress their victuals, and so doing shall not be obliged to supply the troops with provisions except on a march.”

‘ I am far, Sir, from thinking the clause as it will stand after this amendment, compleat and unexceptionable, being conscious that some articles in it may require explanation. The quantity of small beer to be allowed to each soldier must necessarily be ascertained in order to prevent endless and indeterminable disputes; for one man, Sir, may demand a greater quantity than another, and a man may be prompted by malice or wantonness to demand more than health requires; it will therefore be proper to limit the quantity which must be furnished, that neither the soldier may suffer by the avarice of his landlord, nor the landlord be oppressed by the gluttony of the soldier. With regard to this question, Sir, I expect to find different opinions in this assembly, which every man is at liberty to offer and to vindicate; and I shall take this opportunity of proposing on my part, that every man may have a daily allowance of three quarts. One quart to each meal may be allowed in my opinion to be sufficient, and sure no gentleman can imagine that by this limitation, much superfluity is indulged. There are some parts, Sir, of this kingdom, in which cyder is more plentiful, and cheaper than small beer, consequently it may be for the ease of the victualler, to have the choice allowed him of furnishing one or the other; it will therefore be a very proper addition

‘ to this clause, that the inn-keepers shall allow
 ‘ the soldier every day three quarts of either small
 ‘ beer or cyder. That penal sanctions, Sir, are
 ‘ essential to laws, and that no man will submit to
 ‘ any regulations inconvenient to himself, but that
 ‘ he may avoid some heavier evil, requires not to
 ‘ be proved; and therefore to compleat this clause,
 ‘ I propose that the victualler who shall neglect or
 ‘ refuse to observe it, shall be subject to some fine
 ‘ for his non-compliance.’

Then *Henry Pelham, Esq;* spoke to this effect.

‘ Sir, I cannot omit this opportunity of obser- Mr. Pelham's
speech.
 ‘ ving how much the burden of the army is di-
 ‘ minished by the judicious regulations invariably
 ‘ observed in the late reigns, and how little the
 ‘ assignment of troops is to be dreaded by the
 ‘ victualler. In the reign of King *William*, Sir,
 ‘ before funds were established, while the cre-
 ‘ dit of the government was low, the measures
 ‘ of the court were often obviated or defeated by
 ‘ the superiority of the discontented party, and
 ‘ the supplies denied which were necessary to sup-
 ‘ port them, and in expectation of which they
 ‘ had been undertaken, it was not uncommon for
 ‘ the towns in which the troops were stationed,
 ‘ to murmur at their guests; nor could they be
 ‘ charged with complaining without just reasons;
 ‘ for to quarter soldiers upon a house, was in
 ‘ those days little less, than to send troops to live
 ‘ at discretion. As all supplies, Sir, were then oc-
 ‘ casional and temporary, and nothing was granted
 ‘ but for the present exigence, the prevalence of
 ‘ the opposition for a single session embarrassed all
 ‘ the measures of the court in the highest degree,
 ‘ their designs were at a stand, the forces were
 ‘ unpaid, and they were obliged to wait till ano-
 ‘ ther session for an opportunity of prosecuting
 ‘ their schemes. Thus, Sir, the soldiers were
 ‘ some-

‘ sometimes five months without their pay, and
 ‘ were necessarily supported by the inn-keeper at
 ‘ his own expence, with how much reluctance and
 ‘ discontent I need not mention. It cannot but be
 ‘ immediately considered upon hearing this ac-
 ‘ count of the soldier’s condition, with how many
 ‘ reproaches he would receive his victuals, how
 ‘ roughly he would be treated, how often he
 ‘ would be insulted as an idler, and frowned upon
 ‘ as an intruder. Nor can it be imagined that
 ‘ such affronts, however they might be provok’d,
 ‘ would be borne without return, by those who
 ‘ knew themselves not the authors of the provo-
 ‘ cation, and who thought themselves equal suf-
 ‘ ferers with those who complained. When the
 ‘ inn-keeper growl’d at the soldier, the soldier, it
 ‘ may be supposed, seldom fail’d to threaten, or
 ‘ to plunder the inn-keeper, and to rise in his de-
 ‘ mands, as his allowance was retrenched.

‘ Thus, Sir, the landlord and his guest were
 ‘ the constant enemies of each other, and spent
 ‘ their lives in mutual complaints, injuries, and
 ‘ insults. But by the present regularity of our
 ‘ military establishment, this great evil is taken a-
 ‘ way; as the soldier requires no credit of the
 ‘ victualler, he is considered as no great incum-
 ‘ brance on his trade, and being treated without
 ‘ indignities, like any other member of the com-
 ‘ munity, he inhabits his quarters without vio-
 ‘ lence, insolence, or rapacity, and endeavours to
 ‘ recommend himself by officiousness and civility.
 ‘ In the present method of payment, Sir, the
 ‘ troops have always one month’s pay advanced,
 ‘ and receive their regular allowance on the stated
 ‘ day; so that every man has it in his power to
 ‘ pay his landlord every night, for what he has
 ‘ had in the day; or if he imagines himself able
 ‘ to procure his own provisions at more advantage,
 ‘ he can now go to market with his own money.

‘ It

‘ It appears therefore to me, Sir, that the amendment now proposed is the proper mean between the different interests of the inn-keeper and soldier, by which neither is made the slave of the other, and by which we shall leave to both opportunities of kindness, but take from them the power of oppression.’

Thomas Carew, Esq; next spoke as follows.

‘ Sir, The amendment now offered is not, in Mr. Carew's speech. my opinion, so unreasonable or unequitable as to demand a warm and strenuous opposition, nor so compleat as not to be subject to some objections; objections which, however, may be easily removed, and which would perhaps have been obviated, had they been foreseen by the gentleman who proposed it. The allowance, Sir, of small liquors proposed, I cannot but think more than sufficient; three quarts a day are surely more than the demands of nature make necessary, and I know not why the legislature should promote, or confirm in the soldiery, a vice to which they are already too much inclined, the habit of tipling. The inn-keeper, Sir, will be heavily burden'd by the obligation to supply the soldier with so many of the necessaries of life without payment, and therefore it may be justly expected by him, that no superfluities should be enjoyed at his expence.

‘ But there remains another objection, Sir, of far more importance, and which must be removed before this clause can be reasonably passed into a law. It is not declared, or not with sufficient perspicuity, that it is to be left to the choice of the inn-keeper, whether he will furnish the soldier with provisions at a groat a day, or with the necessaries enumerated in the clause for nothing. If it is to be left to the choice of the soldier, the victualler receives no relief from the
‘ amend-

‘ amendment, to whose option, since he must suffer in either case, it ought to be refer’d, because he only can tell by which method he shall suffer least.’

Then *Velters Cornewal*, Esq; spoke in the manner following.

Mr. Cornewal's speech.

‘ Sir, It is not without the greatest diffidence that I rise to oppose the gentleman who offer’d the amendment, for his abilities are so far superior to mine, that I object without hope of being able to support my objection, and contend with an absolute certainty of being overcome. I know not whether it may be allowed me to observe, that the difference between our faculties is with regard to strength and quickness, the same as between the cyder of his country and that of mine, except that in one part of the parallel the advantage is on our side, and in the other on his. The cyder, Sir, of our country is one of our most valuable commodities, so much esteemed in distant places, that our merchants often sell it by the bottle, for more than the soldier has to give for the provision of a day, and of such strength, that I, who am accusom’d to the use of it, never was able to drink three quarts in any single day. If therefore, Sir, the soldier is to have three quarts of this cyder, when small beer is not easily to be procured, not only the inn-keeper, but the army will be injured; for what greater harm can be done to any man, than to initiate him in a habit of intemperance? And what outrages and insolencies may not be expected from men trusted with swords, and kept from day to day, and from month to month, in habitual drunkenness by an act of Parliament?’

Sir

Sir William Yonge replied to this purpose.

‘ Sir, I know not why the gentleman has
 ‘ thought this a proper opportunity for displaying *Sir William Yonge’s answer.*
 ‘ his eloquence in the praise of his own cyder.
 ‘ That he loves his own country cannot be won-
 ‘ dered, for no passion is more universal, and few
 ‘ less to be censured; but he is not to imagine that
 ‘ the produce of his native soil will be generally
 ‘ allow’d to excel that of other counties, because
 ‘ early habits have endeared it to him, and fami-
 ‘ liarized it to his particular palate. The natives
 ‘ of every place prefer their own fruits and their
 ‘ own liquor, and therefore no inference can be
 ‘ drawn from approbation so apparently partial.
 ‘ From this prejudice I am far from suspecting
 ‘ myself free, nor am desirous or industrious to
 ‘ overcome it: Neither am I afraid of exposing
 ‘ myself to all the censure that so innocent a pre-
 ‘ possession may bring upon me, by declaring,
 ‘ that, in my opinion, the cyder of my native
 ‘ country is of equal excellence with that which
 ‘ this gentleman has so liberally extoll’d.’

Velters Cornewal, Esq; answered to the follow-
 ing effect.

‘ Sir, How little I expect victory in this contro- *Mr. Cornewal’s reply.*
 ‘ versy I have already declared, and I need not
 ‘ observe of how small importance it is what soil
 ‘ produces cyder of the greatest excellence and
 ‘ value, since if there be other places where the
 ‘ cyder is equally esteemed, and purchased at the
 ‘ same rate, it is yet more necessary to provide,
 ‘ by some exception, that the soldier shall not be
 ‘ intitled to demand, of the victualler, liquor to
 ‘ more than thrice the value of his pay, nor be
 ‘ allowed to revel in continual drunkenness, and
 ‘ to corrupt his morals, and enervate his limbs by
 ‘ incessant debauchery. But since, Sir, the pre-
 ‘ ference

'ference due to the cyder of my country has been
 'denied, in my opinion, with great partiality and
 'injustice, I think myself obliged, by all the laws
 'of honour and gratitude, to stand up once more
 'to vindicate its superiority, and assert its value.
 'The laws of honour, Sir, require this from me,
 'as they oblige every man to stand forth a vindi-
 'cator of merit slighted and oppressed; and grati-
 'tude calls loudly upon me to exert myself in the
 'protection of that, to which I have been often
 'indebted for a pleasing suspension of care, and a
 'welcome flow of spirit and gaiety.

'The cyder, Sir, which I am now rescuing
 'from contemptuous comparisons has often exhi-
 'larated my social hours, enlivened the freedom
 'of conversation, and improved the tenderness of
 'friendship, and shall not therefore now want a
 'panegyrist. It is one of those few subjects on
 'which an encomiast may expatiate without de-
 'viating from the truth. Would the honourable
 'gentleman, Sir, who has thus vilified this won-
 'der-working nectar, but honour my table with
 'his company, he would quickly be forced to re-
 'tract his censures, and, as many of his country-
 'men have done, confess that nothing equal to it
 'is produced in any other part of the globe, nor
 'will this confession be the effect of his regard to
 'politeness, but of his adherence to truth. Of
 'liquor like this, Sir, two quarts is undoubtedly
 'sufficient for a daily allowance, in the lieu of
 'small beer, nor ought even that to be determined
 'by the choice of the soldier, but of the inn-
 'keeper, for whose benefit this clause is said to be
 'inserted, and from whose grievances I hope we
 'shall not suffer our attention to be diverted by
 'any incidental questions, or ludicrous disputes.'

Charles Gore, Esq; then spoke to the following
 effect:

‘ Sir, That the allowance of two quarts a day is sufficient, and that to demand more is a wanton indulgence of appetite, is experimentally known, and therefore no more ought to be imposed upon the inn-keepers. Nor is this, Sir, the only part of the clause that requires our consideration, for some of the other particulars to be provided by the victualler, may easily furnish perverse tempers with an opportunity of wrangling. Vinegar is not to be had in every part of the kingdom, and where it cannot be procured, ought not to be requir’d; for neither reason nor experience will inform us, that vinegar ought to be rank’d among the necessities of life.’

Sir *William Yonge* made the following reply.

‘ Sir, By the alteration now made in the clause, the inn-keepers are effectually relieved from a great part of the burden which, in my opinion, this act has hitherto laid upon them; the necessity of furnishing the soldiers quarter’d upon them with provisions at the stated price, whatever might be the scarcity of the season or of the country. That this was the intention of the act, is asserted by those, whose reputation and promotion are sufficient evidences of their ability in the interpretation of our laws. The inn-keeper may now either accept or refuse the limited price, as it shall appear to him most consistent with his interest, nor will there be for the future any room for murmuring at unreasonable demands, since he may oblige that soldier whom he cannot satisfy, to please himself better at his own expence. The choice of the liquor is likewise wholly referr’d to the inn-keeper; for the words in the clause requiring, that he shall furnish three quarts of small beer or cyder, he complies indisputably with

' with the law, by supplying either; and therefore
 ' the value of cyder in any particular country is
 ' not of much importance in the question before
 ' us; if cyder be more valuable than small beer, it
 ' may be with-held; if it be cheaper, it may be
 ' substituted in its place; so that the inn-keeper
 ' has nothing to consult but his own interest.
 ' That this is the meaning of the clause, is, I sup-
 ' pose, obvious to every man that hears it read,
 ' and therefore I see no reason for any alterations,
 ' because I know not any effect which they can
 ' possibly have, except that of obscuring the
 ' sense which is now too clear to be mistaken.'

Sir *John Barnard* spoke next to the following effect:

Sir *John*
Barnard's
 speech.

' Sir, Tho' it should be granted, that the
 ' clause before us is intelligible to every member
 ' of this assembly, it will not certainly follow,
 ' that there is no necessity of farther elucida-
 ' tions; for a law very easily understood by those
 ' who make it, may be obscure to others who are
 ' less acquainted with our general intention, less
 ' skill'd in the niceties of language, or less ac-
 ' customed to the stile of laws. It is to be con-
 ' sider'd, that this law will chiefly affect a class
 ' of men very little instructed in literature, and
 ' very unable to draw inferences; men to whom
 ' we often find it necessary in common cases to
 ' use long explanations, and familiar illustrations,
 ' and of whom it may be not unreasonably sus-
 ' pected, that the same want of education, which
 ' makes them ignorant, may make them petu-
 ' lant, and at once incline them to wrangle,
 ' and deprive them of the means of deciding
 ' their controversies. That both inn-holders
 ' and soldiers, are for the greatest part of this
 ' rank and temper, I suppose, Sir, every gentle-
 ' man knows from daily observation, and there-
 ' fore

‘ fore it will, I hope, be thought necessary to descend to their understandings, and to give them laws in terms of which they will know the meaning; we shall otherwise more consult the interest of the lawyers, than the inn-holders; and only by one alteration produce a necessity of another.

‘ I am therefore desirous, Sir, that all the difficulties, which have been mentioned by every gentleman on this occasion, should be removed by clear, familiar, and determinate expressions; for what they have found difficult, may easily be to an inn-holder or soldier absolutely inexplicable. I cannot but declare, while I am speaking on this subject, that in my opinion two quarts of liquor will be a sufficient allowance. If we consider the demands of nature, more cannot be required; if we examine the expence of the inn-holder, he ought not to supply soldiers with a greater quantity for nothing. It is to be remember’d, that small beer, like other liquors, is charg’d with an excise in publick-houses, and that two quarts will probably cost the landlord a penny; and as we cannot suppose, that fire, candle, vinegar, salt, pepper, and the use of utensils, and lodging, can be furnished for less than three pence a day, every soldier that is quarter’d upon a publick-house, may be consider’d as a tax of six pounds a year; a heavy burden! which surely ought not to be aggravated by unnecessary impositions.’

Notwithstanding these objections, the clauses as offer’d and amended by Sir *William Yonge* were agreed to in the committee, and stood thus.

‘ That the officers and soldiers to be quarter’d and billeted as aforesaid, shall be received, and furnished with diet and small beer by the

‘ owners of the inns, livery-stables, ale-houses,
 ‘ victualling-houses, &c. paying and allowing
 ‘ for the same the several rates herein after men-
 ‘ tioned, &c.

‘ Provided, that in case the inn-holder, on
 ‘ whom any non-commission officers or soldiers
 ‘ shall be quarter’d by virtue of this act (ex-
 ‘ cept on a march) shall be desirous to fur-
 ‘ nish such officers or soldiers with candles,
 ‘ vinegar, and salt, and with either small beer
 ‘ or cyder, not exceeding three quarts for each
 ‘ man a day, *gratis*, and to allow them the use
 ‘ of fire, and the necessary utensils for dres-
 ‘ sing and eating their meat, and shall give
 ‘ notice of such his desire to the commanding
 ‘ officers, and shall furnish and allow them the
 ‘ same accordingly; then, and in such case
 ‘ the non-commission officers and soldiers so
 ‘ quarter’d shall provide their own victuals, and
 ‘ the officer to whom it belongs to receive, or
 ‘ that does actually receive the pay and subsist-
 ‘ ence of such non-commission officers and sol-
 ‘ diers, shall pay the several sums, payable out
 ‘ of the subsistence-money for diet and small beer,
 ‘ to the non-commission officers and soldiers a-
 ‘ fore said, and not to the inn-holder or other
 ‘ person, on whom such non-commission officers
 ‘ or soldiers are quarter’d.’

However it occasioned a new debate upon the
 27th, when the amendments made by the com-
 mittee were reported, in which *Thomas Carew*,
 Esq; spoke to this effect:

‘ Mr. Speaker,

Mr. Carew's
 speech.

‘ Sir, Tho’ it may perhaps be allow’d, that the
 ‘ circumstances of our present situation oblige us
 ‘ to support a more numerous army than in former
 ‘ years, surely no argument can be drawn from
 ‘ them that can show the necessity of a profuse
 ‘ allow-

allowance to our soldiers, or of gratifying their desires by the oppression of the inn-holders. If, Sir, the designs of our enemies are so malicious, and their power so formidable as to demand augmentations of our troops and additions to our natural securities, they ought surely to impress upon us the necessity of frugal measures, that no useless burdens may be imposed upon the people. To furnish two quarts of beer, Sir, every day for nothing, is undoubtedly an imposition sufficiently grievous, and I can therefore discover no reason for which an allowance of three should be establish'd; a proposal injurious to the victualler, because it exacts more than he can afford to allow, and of no benefit to the soldier, because it offers him more than he can want.'

Sir *William Yonge* spoke next to this purpose :

' Sir, If it is an instance of misconduct to spend upon any affair more time than the importance of it deserves, I am afraid that the clause to which our attention is now recalled, may expose us to censure, and that we may be charg'd with neglecting weighty controversies, and national questions, to debate upon trifles; of wasting our spirits upon subjects unworthy of contention; of defeating the expectations of the publick, and diverting our enemies rather than opposing them. But, Sir, as nothing has a more immediate tendency to the security of the nation, than a proper establishment of our forces, and the regulation of their quarters is one of the most necessary and difficult parts of the establishment; it is requisite that we think no question of this kind too trivial for our consideration, since very dangerous disturbances have often been produced by petty disputes. The quantity, Sir, of small beer to be allow'd by the victualler to

*Sir William
Yonge's
speech.*

‘ those foldiers who fhall provide their own victu-
 ‘ als, was difputed yefterday, and I thought was
 ‘ agreed upon; but fince this queftion is revived,
 ‘ I muft take the opportunity to declare, that we
 ‘ ought not to affign lefs than three quarts a day
 ‘ to each man; for it is to be remember’d by
 ‘ thofe who eftimate the demands by their own,
 ‘ how much their way of life is different from
 ‘ that of a common foldier, and how little he can
 ‘ be charged with wantonnefs and fuperfluity,
 ‘ for drinking more fmall liquor than themfelves.
 ‘ There are few members of this houfe, who do
 ‘ not, more than once a day, drink tea, coffee,
 ‘ chocolate, or fome other cooling and diluting
 ‘ infufion; delicacies which the foldier cannot
 ‘ purchafe, to which he is intirely a ftranger,
 ‘ and of which the place muft be fupplied by
 ‘ fome other cheap and wholefome liquors. If,
 ‘ Sir, thofe gentlemen whose clofe attention to the
 ‘ intereft of the inn-holder has perhaps abftracted
 ‘ them, in fome degree, from any regard to the
 ‘ neceffities of a foldier, will confent to allow
 ‘ him five pints a day, I fhall contend no longer;
 ‘ for tho’ I cannot agree that it is a fufficient
 ‘ provifion, yet, as other gentlemen equally able
 ‘ to judge in this fubject with myfelf, are of a
 ‘ different opinion, I fhall fhew my regard for
 ‘ their fentiments, by defifting from oppofition.’

Then the Lord *Baltimore* fpoke in fubftance as follows:

Lord *Balti-
more*’s fpeech

‘ Sir, I am not able to difcover any neceffity
 ‘ of compromifing this debate, by taking the
 ‘ mean between the two different opinions, or
 ‘ for denying to the foldiers what every labou-
 ‘ rer or ferving-man would murmur to be refu-
 ‘ fed for a fingle day. I believe, Sir, every gen-
 ‘ tlemen, who examines the expence of his fami-
 ‘ ly, will find that each of his fervants consumes
 ‘ daily

‘ daily at least three quarts of small beer, and
 ‘ surely it is not to be required that a soldier
 ‘ should live in a perpetual state of war with his
 ‘ constitution, and a constant inability to comply
 ‘ with the calls of nature.’

Then General *Handaside* spoke to the following purpose :

‘ Sir, The inclination shown by several gen- General
Handaside's
speech.
 ‘ tlemen for a penurious and scanty provision for
 ‘ the soldiers, must, in my opinion, proceed
 ‘ from an inattentive consideration of their pay,
 ‘ and will therefore be removed by laying before
 ‘ them an account of his condition, and compar-
 ‘ ing his daily pay with his daily expences.
 ‘ The whole pay of a foot-soldier, Sir, is six-
 ‘ pence a day, of which he is to pay four-pence
 ‘ to his landlord for his diet, or, what is very
 ‘ nearly the same, to carry four-pence daily to
 ‘ the market, for which how small a supply of
 ‘ provisions he can bring to his quarters, especi-
 ‘ ally in time of scarcity, I need not mention.
 ‘ There remain then only two-pence, Sir, to be
 ‘ disbursed for things not immediately necessary
 ‘ for the preservation of life, but which no man
 ‘ can want without being despicable to others
 ‘ and burdensome to himself. Two-pence a day
 ‘ is all that a soldier has to lay out upon cleanli-
 ‘ ness and decency, and with which he is likewise
 ‘ to keep his arms in order, and to supply him-
 ‘ self with some part of his cloathing. If, Sir,
 ‘ after these deductions he can from two-pence a
 ‘ day procure himself the means of enjoying a few
 ‘ happy moments in the year with his companions
 ‘ over a cup of ale, is not his œconomy much
 ‘ more to be envied than his luxury? Or can it
 ‘ be charged upon him that he enjoys more than
 ‘ his share of the felicities of life? Is he to be
 ‘ burdened with new expences lest he should
 ‘ hoard

‘ hoard up the publick money, stop the circulation of coin, and turn broker or usurer with two-pence a day? I have been so long acquainted, Sir, with the soldier’s character, that I will adventure to secure him from the charge of avarice, and to promise that whatever he shall possess not necessary to life, he will enjoy to the advantage of his landlord.’

Then *Alexander Hume Campbell, Esq;* spoke in substance as follows :

Mr. Campbell’s speech.

‘ Sir, I am far from intending to oppose this proposal of five pints, though, upon a rigorous examination, it might appear more than the mere wants of nature require, for I cannot but declare that this question has too long engaged the attention of the house, and that the representatives of a mighty nation, beset with enemies, and incumbered with difficulties, seem to forget their importance and their dignity, by wrangling from day to day upon a pint of small beer. I conceive the bill which we are now considering, Sir, not as a perpetual and standing law, to be interwoven with our constitution, or added to the principles of our government, but as a temporary establishment for the present year; an expedient to be laid aside when our affairs cease to require it; an experimental essay of a new practice, which may be changed or continued according to its success. To allow, Sir, five pints of small beer a day to our soldiers for a single year can produce no formidable inconveniencies, and may, though it should not be intirely approved, be of less disadvantage to the publick than the waste of another day.’

But the amendment made by the committee, for allowing three quarts of small beer a day, being insisted on, it was agreed to by the house,
and

and the bill with this allowance was afterwards passed into a law.

February 26, a debate and division happened in the house of Lords upon the place bill, which occasioned the following protest: Protest upon rejecting the place bill.

Thursday, February 26, 1740-1. The order of the day being read for a second reading of the bill, intituled, 'An act for the better securing the freedom of Parliaments by limiting the number of officers in the house of Commons.'

The said bill was read a second time, and it being moved to commit the bill, the same was objected to. After debate, the question was put, Whether the said bill shall be committed? It was resolved in the negative, Content 44, Not Content 63.

Northampton, Shaftsbury, Stanhope, Clifton.

Dissentient

1. Because we conceive, that our constitution itself points out this bill, as one of its principal securities, a due poize and independency of the three several constituent parts of the supreme legislative power, being required by the spirit of our constitution, and absolutely necessary to its existence. If any one of these becomes dependent on the other, the constitution is dangerously altered: But if any two become dependent on the third, it is totally subverted, and the wisest establishment that ever was formed of a free government, shrinks and degenerates into a monarchical and aristocratical or democratical faction. We therefore think we cannot be too careful in providing against whatever may, at any time, affect this just poize, and necessary independency of the three estates. And this caution seems the more requisite, now, when, from the inevitable varia-

tion of things, employments are become exceedingly numerous, and are yet further artfully split, divided, subdivided and increased in value, in order to add both extent and weight to their influence. Two hundred employments are distributed in the present house of Commons; a dangerous circumstance! And which, if it could have been foretold to our ancestors even in the latter end of the last century, the prediction would have been rejected by them as chimerical, or, if believed, lamented as fatal; and should the number of employments continue to increase in the same proportion, even we may live to see, for want of this bill, a constant majority of placemen meeting under the name of a Parliament, to establish grievances instead of redressing them; to approve implicitly the measures of a court without information; to support and screen the ministers they ought to controul or punish, and to grant money without account, or it may be, without bounds. In which case, the remaining forms of our constitution would, by creating a fatal delusion, become our greatest grievance.

2. Tho' we don't absolutely assert, that employments necessarily must, yet we cannot suppose, that they never will, influence the votes and conduct of the gentlemen of the house of Commons; for such a supposition would be equally conclusive against all the acts of Parliament now in force, limiting the number of officers of any kind in that house; and, in a case of such importance, we think it would be the highest imprudence, to trust the very being of our constitution to bare possibilities; especially if an experience (which we rather chuse to hint at than enlarge upon) should give us just reason to suspect, that former Parliaments have felt the effect of this baneful influence, almost all persons in employments having voted invariably on the same
side

side of the question, often against the known and signified sense of their constituents, and sometimes perhaps even contrary to their own private declarations; and no sooner did they presume to deviate from the ministerial track, than they were divested of those employments that failed of their intended influence. But, admitting that the present house of Commons has kept itself most untaintedly pure from such pollution, yet we think it necessary not to expose future Parliaments to such a trial, nor the constitution to the uncertainty of the decision.

3. Because, tho' it should be granted, that this bill would have restrained in some degree the liberty of the electors, that objection has no weight upon this occasion, every law being, in some degree, a restraint upon the natural liberty of man, but yet justly enacted, wherever the good of the whole (which should be the object of every law) is promoted thereby; and we apprehend, that this restraint is of such a nature, that those only will be uneasy under it who intended to abuse the liberty. The votes of the electors of *Great Britain*, if unbiassed, would rarely concur in the choice of persons, avowed creatures of a minister, known dependents on a court, and utterly unknown to those who elect them. But if, in an age, when luxury invites corruption, and corruption feeds luxury, there is too much reason to fear, that the people may be prevailed upon, in many places, by a pecuniary influence, to give their votes to those whom their uninfluenced sentiments would reject with indignation and contempt, we think it necessary to lay this just and constitutional restraint upon the liberties of some, as the only means to preserve the liberties of all. By former acts of Parliament, the electors are already debarred from electing persons in certain
con-

considerable employments; and in the act for preserving our constitution, by settling the crown upon the present Royal Family, it was enacted, That no person whatsoever in employment should be capable of being chosen a member of the house of Commons. Such was then the spirit of liberty, that even this total exclusion could not be refused, nor could the repeal of it afterwards be obtained, without enacting a limitation of the number of placemen allowed to sit in the house of Commons, and a new election of every person who, whilst he was a member of that house, should accept of any employment under the crown; as likewise a total (we wish we could say an effectual) exclusion of all persons holding employments erected since the passing of that act; and there is no reason to doubt, but that the same spirit of precaution would, upon the same constitutional principles, have been carried much farther at that time, could it then have been foreseen or imagined, that the exclusion of some civil officers would have been rendered useless, by the introduction of so many military ones; and so many persons in employments, infinitely inferior, both in rank and profit, to those excluded by these several acts, could ever have been by any means elected into Parliament: And indeed it seems to us highly incongruous, that inferior clerks, and attendants of offices, who have not seats in the presence of their masters, should be admitted to have seats in the legislature, and there become the check and controul of their masters themselves.

4. Because we do not apprehend, that the freedom of Parliament is now in the least secured by the obligation laid upon all members of the house of Commons, who accept any employment under the crown, of being re-elected, experience having shewn us, that this seeming security is for the
most

most part become ineffectual, there being very few instances of persons failing in such re-elections, tho' utter strangers to their electors; and it is natural to suppose, that, when the means of corrupting are greater, the success of the candidate recommending himself, by corruption only, will not be less.

5. Because we observe with concern, that a bill of this nature has been already thrice rejected by this very house of Commons, and not been allowed to be committed, so as to have it known how far it was proposed to extend, which in our opinions, implied a firm resolution not to admit of any further exclusion of employments whatsoever: Whereas, in this last session of this Parliament, this bill was sent up to us, after having passed thro' all the forms of the other house without the least opposition. This we conceive can only proceed either from their conviction at last of the necessity of such a bill, of which they are surely the properest judges, or in compliance with the almost universal instructions of their constituents, whose voice we think ought to have some weight even here; or lastly, to delude their constituents themselves, by tacitly consenting to what they were either told, or hoped, this house would refuse. And in this case we apprehend, that a confidence so injurious and dishonourable, ought to have been disappointed from a just sense of the contempt thereby shewn of the credit, weight, and dignity of this house.

6. Because we think it particularly seasonable, so near the end of this Parliament, to provide for the freedom and independency of the next; and as we consider this opportunity as the only one we are likely to have, for some years at least, to do it, it is with the greater concern that we see this bill thus laid aside, rather by a division than a debate, and by numbers rather than arguments.

ments. But however unsuccessful our endeavours have been for the future security of this constitution; however unavailing our desire of inquiring into past and present transactions; however fruitless our attempts to prevent future mismanagements, by a censure of the past, and the removal of the author of them: We have at least this comfort, of transmitting our names to posterity, as dissenting from those measures of which the present age sufficiently testifies its dislike, and of which the next may too probably feel the fatal consequences.

| | | |
|--------------|-----------------|--------------|
| Abingdon | Warrington | Mansel |
| Bridgwater | Bruce | Cobham |
| Haverham | R. Lich. & Cov. | Chesterfield |
| Macclesfield | Carlisle | Masham |
| Greenwich | Talbot | Halifax |
| Hereford | Gower | Denbigh. |
| Aylesford | Ward | |

For all the above reasons except the last,

Foley.

Bill brought
in for man-
ning his Ma-
jesty's fleet.

Upon *December* 18, leave was given to bring in a bill for the encouragement and increase of seamen, and for the better and speedier manning his Majesty's fleet; and Sir *Charles Wager*, Mr. *Clutterbucke*, and Mr. Attorney General were ordered to prepare and bring in the same; which was accordingly presented to the house by Sir *Charles Wager*, upon the 27th of *January*; and that our readers may the better understand the following debates upon it, we shall give them a copy of the bill as follows, *viz.*

Copy of the
bill.

Whereas the welfare and prosperity of his Majesty's dominions are greatly concerned in giving all due encouragement to mariners and seamen to enter voluntarily into ships of the Royal navy, for the service and defence of their country; Be it there-

therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, [That from and after the day of every able seaman, who shall have voluntarily served on board the Royal navy for the space of years, and shall by age, wounds, or other infirmities, be disabled from any future service at sea, and who shall not receive any pension from the chest at *Chatham*, or any maintenance or provision in *Greenwich* hospital, or out of the revenues thereof, or otherwise, shall have paid and allowed from his Majesty, his heirs and successors, the yearly pension of until he shall be provided for in the Royal Hospital at *Greenwich*, or otherwise; and the Lord High Admiral of *Great Britain*, or the Commissioners for executing the office of Lord High Admiral of *Great Britain* for the time being respectively, or any or more of the said Commissioners, upon application of every such seaman, and due examination and proof made of his being qualified and intitled to receive such pension within the tenor and true meaning of this act, are hereby authorized and required to issue and make out a warrant to the Commissioners of the navy for the time being for the payment of the same, who are, upon receipt of the said warrant, hereby authorized and required to order and direct the payment thereof accordingly.]

[*In deliberating upon the foregoing clause it was thought proper, instead of a future pension to give a present reward; and therefore it was alter'd thus: That from and after the 25th day of March 1741. every able seaman, who shall on or before May 1, 1741. voluntarily enter himself to serve on board any of his Majesty's ships of war, shall receive and be entitled to a bounty of five pounds over*

over and above his wages; and every ordinary seaman, who shall on or before *May 1, 1741.* voluntarily enter himself on board any of his Majesty's ships of war, shall receive and be entitled to a bounty of three pounds over and above his wages.]

And it is hereby further enacted, That if any seaman, under the degree of a warrant or commission officer, entering voluntarily into the service of his Majesty, his heirs and successors, shall be killed or drowned in the said service, and shall leave a widow, to whom he was lawfully married, every such widow sending or producing to the Commissioners of the navy a certificate, under the hands of the minister, churchwardens, and overseers of the poor of the parish wherein she resides, that she is the real widow of the said seaman so killed or drowned, shall receive such sum of money, by way of bounty, as shall amount to and be an equivalent with [one] year's pay or wages of such seaman, computing the same according to the rate of the monthly wages or pay he served for, or was intitled to at the time of his death; and the Commissioners of the navy for the time being, are hereby authorized and required, upon producing such certificate at the navy-office, to order and direct the payment of such bounty-money accordingly.

[The eleven following clauses were rejected as dangerous to liberty.]

And be it further enacted, by the authority aforesaid, That all and every the justices of the peace within the several counties, ridings, and places of this realm, and the dominion of *Wales*, and town of *Berwick upon Tweed*, and all the mayors, bailiffs, and other chief magistrates of the respective cities, boroughs, and towns corporate within the same, and every of them, shall, and they and every of them respectively is, and are by

by this act authorized and required, from time to time, until to make, and cause to be made, diligent search for all such seamen and seafaring-men as lie hid, withdraw, or conceal themselves within their respective jurisdictions; and shall cause all such seamen and seafaring-men as aforesaid, which shall be found or discovered, to be taken up, secured, and delivered over for his Majesty's service at sea, in such manner as is herein after directed and appointed.

And, for the more effectual doing thereof, It is hereby further enacted, That any or more of the justices of the peace of the several counties and ridings aforesaid, within their respective divisions, and the mayor, bailiff, head officer or officers of every city or town corporate having justices of the peace, together with justices of the peace of the same city or town corporate respectively, or in default of such justices, then with justices of the peace of the county wherein the said city or town corporate is situate, within their several jurisdictions, at any time or times before and until the said (upon any application or applications to them respectively to be made by such person or persons, who shall be authorized by his Majesty under his Royal sign manual, or by the Lord High Admiral of *Great Britain*, or by any or more of the Commissioners for executing the office of Lord High Admiral of *Great Britain* for the time being, to receive and conduct such seamen) shall issue their warrants to all and every the high constables, petty constables, headboroughs and tything-men, or other officers and inhabitants, or any of them, within their respective jurisdictions, or to the high constables, for issuing their precepts to the petty constables, and other officers aforesaid, (who have hereby power to call to their assistance such and so many of the other inhabitants, as may be needful to enable them to perform

perform this service) to make a general privy search, or so many general privy searches, as may most conduce to his Majesty's service, within every hundred, division, city, corporation, and in every parish, village, hamlet, and place therein; every such search to be made at such times, whether by day or night, as shall be specified in the said warrants respectively, for the finding out, taking, and securing all such seamen and seafaring-men as aforesaid, and for bringing them before the said justices of the peace or magistrates, at such time and place as shall be prefixed in the said warrants, within days at farthest after the making forth of such warrants respectively; and the said high constables, petty constables, headboroughs, tything-men, officers, and others, who shall be charged with the execution of the said warrants or precepts, shall carefully and diligently perform their duties therein, according to the tenor thereof, and of this act, at all times before and until the said under such as are herein after expressed.

And it is hereby enacted, That the said justices of the peace and magistrates respectively, shall assemble and meet together at the time or times, and place or places, to be prefix'd in the said warrants; and they, together with such other justices of the peace of the same hundred, division, city, place, or precinct, as shall then be present, or the major part of them then present, shall examine the persons which shall be so brought before them; and if they find them to be such seamen or seafaring-men as aforesaid, shall cause them forthwith to be delivered over to the person or persons appointed to receive and conduct them as aforesaid, to be conveyed into his Majesty's service at sea.

And it is hereby enacted and declared, That in the making of such general search or searches as aforesaid, within the time before limited, it shall

and may be lawful to and for the said officers appointed to make the same, or any of them, to enter into any house, out-house, or other place, where such officer or officers shall suspect any such seamen or seafaring-men to be concealed; and, if entrance be not readily admitted, then to force, or cause to be forced open, the door or doors of any such house, out-house, or other place, in order to make such search.

And be it enacted, by the authority aforesaid, That on the said day or days of meeting of the said justices and magistrates respectively, the high constable of the said respective hundreds or divisions, and all and every the petty constables, head-boroughs, and tything-men of every township and place, shall appear before the said justices and magistrates respectively, and give account of the execution of the respective warrants and precepts to them directed as aforesaid, and of their doings in the performance of his Majesty's service in the premises; and the said justices of the peace and magistrates respectively, or the major part of them present, shall have hereby power to examine them, or any of them, or any others, upon oath, concerning the same, and to not exceeding upon any of them respectively, for not appearing, or for any neglect, connivance, or other offence in the premises, and to levy such by of the offenders goods, for the use of the poor of the parish where such offence shall be committed.

And be it enacted, by the authority aforesaid, That every seaman or seafaring-man, who shall be taken and delivered as aforesaid, shall have his pay commence from and also from the same time shall be deemed a seaman or mariner in his Majesty's service, as much as if he had received wages, or been mustered; and if such seaman or seafaring-man shall wilfully desert, or run away

from his conductor, such desertion or running away shall be judged and the justices of every county, riding, division, city, town, or place, or any of them, where any such seaman or seafaring-man shall be taken, shall have full power by virtue of this act to

And it is hereby further enacted, That upon the delivery of every such seaman or seafaring-man as aforesaid, to the respective persons that shall be appointed to receive and conduct them as aforesaid, such persons so appointed shall, out of the money given for the service of the navy, to be put into their hands for this purpose, pay for every such seaman or seafaring-man as aforesaid, the sum of as a reward to the constable, or other officer, who discovered, took, and secured the said seaman or seafaring-man, and for defraying his charges in the said service; and if more persons than one shall be concerned in the discovery, taking, or securing of the said seaman or seafaring-man, then the said reward shall be distributed amongst them, at the discretion of the said justices or chief magistrates respectively; which said constables, or persons receiving the said rewards, shall give receipts for the same, to the said conductors, which shall be allowed upon their accounts; and the said conductors shall likewise give receipts, under their hands, to the said constables or other officers respectively, for every man so delivered.

And it is hereby declared, That conduct-money for conveying and subsisting the said men, so taken and delivered, till they are on board some of his Majesty's ships or vessels in sea-pay, shall be furnished and allowed according to the present usage of the navy.

And be it enacted, by the authority aforesaid, That if any person or persons whatsoever shall presume to harbour or conceal any seaman or seafaring-

seafaring-man, liable to be taken upon this act, or shall wilfully do any act or thing whereby the execution of this act, in the searching for, taking, securing, or conducting such men as aforesaid, shall be hindered or frustrated, or shall entice any seaman or seafaring-man to run away from his conductor, such offenders for every such offence shall

and all and every the offences last-mentioned, shall and may be inquired of, heard, and finally determined by any or more of his Majesty's justices of the peace, dwelling in or near the place where such offence shall be committed, who have hereby power to cause the said to be levied by of the offenders goods and chattels, rendering the overplus (if any be) to the offender; and if the offender have no such goods or chattels to be found, and sufficient to answer the said penalty, then to

And be it further enacted, by the authority aforesaid, That the justices of the peace, and the magistrates of every respective county, riding, division, liberty, city, or place, before whom any person shall be impressed for the sea-service, in pursuance of this act, do and shall, at every general quarter-sessions for such county, riding, division, liberty, city, or place, exhibit an account, under their hands and seals, of the names of the several persons by them so impressed, at any time preceding such respective general quarter-sessions, together with the names of the hundred, parish, or place from whence, and the parish officers, or other officers, by whom, and times when, such persons were brought and impressed, and of the names of the conductors to whom such persons were delivered; and that such accounts shall be kept by the clerk of the peace, or town-clerk of every such county, riding, division, liberty, city, or place, among the records thereof, to which accounts all

persons may have resort, at reasonable times, without any fee or charge: And the clerk of the peace, or town-clerk for every such county, riding, division, liberty, city, or place, is hereby required, from time to time, within days after such quarter-sessions, to transmit true copies thereof, attested by himself, to the secretary of the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral.

And be it further enacted, That to prevent frauds in the due execution of this act, a register shall be appointed to be kept in the Navy or Admiralty-Office, where the names of every person so impressed and entered into his Majesty's service at sea, shall be entered, and the ship they were to serve in, that so, upon the musters of the said ship's company, it may appear if such person or persons were actually entered in his Majesty's service, and continue in the same.

And whereas by an act of Parliament made and passed in the first year of the reign of his present Majesty, intituled, *An act for encouraging seamen to enter into his Majesty's service*, it was enacted, That no person whatsoever, who should list and enter himself to serve his Majesty, as a seaman, on board any of his Majesty's ships or vessels, should be liable to be taken out of his Majesty's service by any process or execution whatsoever, (other than for some criminal matter) unless for a real debt, or other just cause of action, and unless before taking out such process or execution, not being for a criminal matter, the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of Record, or other court, out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge, the

the sum justly due and owing to the said plaintiff or plaintiffs, from the defendant or defendants, in the action, or cause of action, on which such process should issue, or the debt or damages, and costs, for which such execution should be issued out, amounted to the value of twenty pounds at the least; a memorandum of which oath should be marked on the back of such process or writ, for which memorandum or oath no fee should be taken; and that, if any person should be arrested contrary to the intent of the said act, it should be lawful for one or more judge or judges of such court, upon complaint thereof, made by the party himself, or by any his superior officer or officers, to examine into the same, by the oath of the parties or otherwise, and by warrant under his or their hands and seals; to discharge such seamen, so arrested contrary to the intent of the said act, without paying any fee or fees, upon due proof made before him or them, that such seaman so arrested, was actually belonging to one of his Majesty's ships or vessels, and arrested contrary to the intent of the said act; and also to award to the party so complaining, such costs as such judge or judges should think reasonable, for the recovery whereof he shall have the like remedy, that the person who took out the said execution might have had for his costs, or the plaintiff in the said action might have had for the recovery of his costs, in case judgment had been given for him with costs, against the defendant in the said action: And it was thereby further enacted, That it should and might be lawful for any plaintiff and plaintiffs, upon notice first given in writing, of the cause of action to such seaman or seamen in his Majesty's service, or left at his or their last place of residence, before his entering into his Majesty's service, to file a common appearance in any action to be brought for, or upon account

of, any debt whatsoever, so as to intitle such plaintiff or plaintiffs to proceed therein to judgment and outlawry, and to have an execution thereupon, other than against the body or bodies of him or them, so actually belonging to one of his Majesty's ships as aforesaid: Now, it is hereby further enacted, That so much of the said act of the first year of his present Majesty, as relates to the preventing and prohibiting any seaman from being taken out of the service of his Majesty, his heirs or successors, or to any other of the matters and things herein before recited, shall, from [March 25, 1741,] be exercised, executed, take effect, and be of force, within the kingdom of Ireland.

[Here ends the bill as first printed, the following was added afterwards.]

And whereas mariners and seafaring-men, taking advantage of the present war with *Spain*, have insisted on very extraordinary wages, by which the trade of the nation, and the manning the Royal Navy, is put under great difficulties; for remedy whereof, be it enacted by the authority aforesaid, That from and after the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and forty-one, until the first day of *March* following, no person or persons, bodies politick and corporate, shall by themselves, or by any other person or persons, directly or indirectly, by way of gift, loan, premium, deposit, or by any other means, device, or contrivance whatsoever, give or pay, or agree to give or pay to any common seaman, mariner, or seafaring-man, or any person employed or to be employed as such on board any merchant-ship or vessel; nor shall any such seaman, mariner, or seafaring-man, or other person as aforesaid, directly or indirectly, by any of the means aforesaid, take or receive

receive more wages, pay, or hire, than after the rate of thirty-five shillings *per* month, and in the same proportion for any greater or lesser time than a month, for his service during the whole, or any part of the voyage, he shall be bound for or go upon, excepting what shall be paid or received by virtue of, and according to such contracts in writing, which have been, or shall be made on or before the eleventh day of *March*, one thousand seven hundred and forty, really, and *bona fide*, according to the method, and in the manner prescribed in and by an act of Parliament of the second year of his present Majesty's reign, intituled, *An act for the better regulation and government of seamen in the merchant-ships*; and all contracts, agreements, bonds, notes, writings, instruments, and securities, of what nature or kind soever, for the paying or receiving more or greater wages, pay, or hire, than as aforesaid, contrary to the true intent and meaning of this act, if made or entered into after the twenty-fifth day of *March*, one thousand seven hundred and forty-one, and before the first day of *March* following, are hereby declared to be, and shall be absolutely void to all intents and purposes whatsoever; and if made or entered into after the eleventh day of *March*, in the year one thousand seven hundred and forty, and on or before the twenty-fifth day of the same month, shall be void only, as to so much of the wages, pay, or hire thereby agreed for, as shall exceed the rate and proportion of thirty-five shillings *per* month, according to the true intent and meaning of this act; and if any person or persons, or bodies politick or corporate, shall give or pay, or agree to give or pay to any seaman, or other person, any more or greater wages or hire, than is aforesaid, contrary to the true intent and meaning of this act, such person or persons, or bodies politick or corporate, shall, for every such

offence, forfeit treble the sum or value so given or paid, or agreed to be given or paid, as afore-said, for the whole voyage, on which such ship or vessel is, or shall be bound; the said penalty to be divided and paid in moieties; one moiety thereof to the use of the King's Majesty, his heirs, and successors; and the other moiety to the informer, and to be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of Record at *Westminster*; and in the court of Exchequer in that part of *Great-Britain* call'd *Scotland*.

Provided, That nothing in this act shall be construed to extend to any contracts or agreements, for the hire of any seamen or persons employ'd as such, in voyages from any parts beyond the seas, to any other parts beyond the seas, or to *Great-Britain*.

Debate upon
the motion
for reading
it a second
time.

When the bill was presented, it was of course read a first time, and upon Sir *Charles*'s moving to order it a second reading, *Philip Gybbon*, Esq; stood up, and spoke in substance as follows, viz.

Mr. Gybbon's speech.

‘ Mr. Speaker,
‘ Sir, I have been always taught that the distinguishing felicity of this nation is general
‘ liberty, liberty not confined to the higher classes
‘ of men, but diffused through the whole body
‘ of the people: For the preservation of this, our
‘ ancestors have struggled in every age, and for
‘ this only are the present burden of taxes born
‘ without sedition, and almost without complaint.
‘ While we preserve, or fancy that we preserve
‘ our liberty, we look without envy on the power, the wealth, and prosperity of the slaves of
‘ arbitrary monarchs. We account no man prosperous, whose happiness does not depend upon
‘ his own conduct, and should think it folly to
‘ heap

‘ heap wealth together, which might be taken
‘ away without our consent. For fear of losing
‘ this great privilege, we have endeavour’d at an
‘ immense expence, to prevent the enormous en-
‘ crease of any foreign power, by which we might
‘ in time be swallowed up, and reduced to the
‘ same state with the provinces on the continent.
‘ To this end we raise armies, and build fleets, and
‘ pour into the publick treasury, the produce of
‘ our lands, and the gain of our commerce. But
‘ to what purpose are our labours, our dangers,
‘ and our expences, to obviate the designs of fo-
‘ reign ambition, if we suffer slavery to steal up-
‘ on us in the form of law, and impair our li-
‘ berty by the means employ’d to defend it? If
‘ the only use of armies and fleets be to secure
‘ freedom and independency, nothing surely can
‘ be more absurd than to raise them by methods
‘ of oppression and violence, nothing can be
‘ weaker than to send men to fight for that liber-
‘ ty, of which we have deprived them.

‘ That the bill now before us reduces multi-
‘ tudes of our fellow subjects to the miseries of
‘ slavery, to the malice of private lurking inform-
‘ ers, and the hateful insults of petty authority,
‘ must appear to every man that hears it. It
‘ condemns those who have dedicated their lives
‘ to the most useful employment, and wasted
‘ their strength in the most important service of
‘ their country, to be hunted like beasts of prey,
‘ or like murderers and felons, whom it is the
‘ common interest of mankind to search out and
‘ to destroy. Let any man, Sir, once be called
‘ a seaman, let any man once become the object
‘ of publick resentment, by having contributed
‘ to the wealth and honour of his country, and
‘ at last from weariness of labour, satiety of pro-
‘ fit, or fear of oppression, incline to spend the
‘ rest of his life in peace, the hue and cry shall
‘ be

‘ be rais’d against him, stratagems shall be con-
 ‘ triv’d to entrap, or violence employ’d to con-
 ‘ strain him; he shall be pursued by the officers
 ‘ of justice, his friends shall be obliged to betray
 ‘ him, and the house broke open at midnight that
 ‘ shall afford him shelter. If this be the condi-
 ‘ tion to which any man is expos’d by the laws
 ‘ of *England*, he may surely be dispensed from
 ‘ hazarding his life in their defence; for what al-
 ‘ teration can be made in them, by which his
 ‘ condition will become worse? If any particu-
 ‘ lar body of men be mark’d out by the Legisla-
 ‘ ture for hardships like these, will not every one
 ‘ that can chuse his employment, lift himself in
 ‘ some other class? And every man who has been
 ‘ already so unhappy as to have engaged himself
 ‘ in this profession, seek for better treatment in a
 ‘ foreign land? There are indeed, Sir, some in-
 ‘ conveniences arising from this bill, which will
 ‘ not be confined to the seamen; the power grant-
 ‘ ed to officers to search a suspected, that is any
 ‘ house which they shall be pleas’d to mark out,
 ‘ may affect every man who has been so impru-
 ‘ dent as to offend the constable of his parish, as
 ‘ he may revenge the injury by a declaration of
 ‘ suspicion, and consequently by a nocturnal visit
 ‘ at the head of his assistants.

‘ Nor is this, Sir, the most offensive part of
 ‘ this bill, one clause of it tends to weaken the
 ‘ most sacred ties of society, to make not only
 ‘ friendly offices, but filial and conjugal tender-
 ‘ ness punishable by law. The penal clause, by
 ‘ which every one is forbidden to conceal a sea-
 ‘ man without exception of particular reason or
 ‘ relation, is, in my opinion, Sir, the utmost
 ‘ stretch of tyranny. Let us dwell a while upon
 ‘ it, and suppose a son condemn’d as a criminal
 ‘ for sheltering his father; let us suppose a wife
 ‘ dragg’d through the insolence of a crowd, and
 ‘ called

‘ called with all the infamy of a prostitute, to
 ‘ receive sentence of punishment for refusing to
 ‘ betray her husband. To think on such scenes
 ‘ as these, excites indignation; and for my part
 ‘ I shall oppose any bill of this kind, lest the ex-
 ‘ ecution of it should fire the nation to rebel-
 ‘ lion.’

Horatio Walpole, Esq ; then spoke as follows :

‘ Sir, If any severities are proposed by this Mr, Wal-
pole's speech.
 ‘ bill, or any methods of terror or violence pre-
 ‘ scribed, it must be confessed, that they can be
 ‘ justified by nothing but necessity, and I hope
 ‘ those who shall speak in their vindication, are
 ‘ not less affected by the sense of them, tho’
 ‘ they are more convinced how much the present
 ‘ state of our affairs requires such methods than
 ‘ those who oppose them. How much of the
 ‘ power of this nation consists in our fleets, and
 ‘ how useless fleets are without seamen, I am not
 ‘ to prove. Nor is it, Sir, much less apparent,
 ‘ that seamen are not to be procured by the
 ‘ common methods, in numbers sufficient for our
 ‘ present armaments, and that therefore some
 ‘ others must be speedily contrived. It will be
 ‘ vain, Sir, to expect that a little time will re-
 ‘ concile them to the service, and that our ships
 ‘ will soon be mann’d with volunteers; for the
 ‘ fleets have taken away such numbers, that there
 ‘ remain, perhaps, not more than five thousand
 ‘ in this nation, who tho’ they should all assem-
 ‘ ble at the call of our commanders, would be
 ‘ able to supply no formidable navy. And that
 ‘ a navy of uncommon strength is necessary for
 ‘ the honour and support of *Great-Britain* on
 ‘ this occasion, no man can doubt; when he has
 ‘ been inform’d of what I have receiv’d from un-
 ‘ doubted intelligence, that a neighbouring pow-
 ‘ er, equally to be dreaded for its ambition and
 ‘ its

' its strength, is now equipping twenty ships
 ' of the line, for which no apparent reason can
 ' be given, nor any more probable, than that
 ' they are design'd to interrupt the prosecution
 ' of the war. Such dangers might vindicate us
 ' in the use of violent and compulsive methods
 ' of raising forces, but none are in reality intend-
 ' ed or propos'd, more severe than those which
 ' were prescribed by an act pass'd in the fourth
 ' of her late Majesty Queen *Anne*, at a time
 ' when the counsels of the nation were directed
 ' by men whom we cannot easily suspect of an
 ' intention to injure liberty. That the condition
 ' of seamen will by this act be made less inde-
 ' pendent than that of others, and the methods
 ' of manning the fleet have a more oppressive
 ' and arbitrary form than those by which the
 ' land service is supplied, is not to be denied;
 ' but let it be remember'd, Sir, that those incon-
 ' veniences are balanced by the rewards propos'd,
 ' by the liberal provisions made for those whom
 ' the chance of war shall disable from supporting
 ' themselves, and the ease and plenty to which
 ' they are intitled, who shall grow old in the sea
 ' service.'

Alexander Hume Campbell, Esq; then spoke as follows:

Mr. Campbell's speech.

' Sir, I know not the import of the term sla-
 ' very, if it means any state different from that
 ' with which seamen are threaten'd by the bill
 ' before us. If to lose the power of choice be to
 ' fall into slavery, every seaman from the instant
 ' this bill passes, becomes a slave; for he will not
 ' only be excluded from the choice of his course
 ' of life, which yet every freeman must necessa-
 ' rily enjoy, but from the power of determining
 ' what master he will serve. A sailor, Sir, after
 ' having, perhaps, willingly enter'd himself, is
 ' either

‘ either frighten’d away by the oppression of his
‘ officers, or allured into the service of the mer-
‘ chants by prospect of advantage; but notwith-
‘ standing his apprehensions on the one side, and
‘ his hopes on the other, he is to be seiz’d by
‘ violence, and condemned without a crime to
‘ that condition which he dreads and abhors.
‘ Nor is he only depriv’d of that tranquillity and
‘ content which every man proposes as the end
‘ of his labours, by the dread of oppression, or
‘ of the penalties incurred by endeavouring to
‘ escape it, but is debarr’d from the assistance of
‘ his relations, and the kind offices of his friends;
‘ he is stript at once of every thing that makes
‘ life valuable. He is dragg’d to tyranny and
‘ hardships, he is punish’d for endeavouring to
‘ avoid them, and involves in the same misery
‘ with himself any friend, whom charity or gra-
‘ titude shall prompt to protect him. To in-
‘ fer from the scarcity of seamen, that such se-
‘ verities are necessary, is to consult nothing but
‘ that lust of dominion by which men are often
‘ incited to use violent measures, lest they should
‘ seem to make too great concessions by softness
‘ and moderation. The scarcity of seamen, if
‘ such there be, must be imputed to the hard-
‘ ships to which they are now expos’d; and it
‘ seems not very likely, when less injuries have
‘ diminished their numbers, that greater will in-
‘ crease them.

‘ Sir, men have been long discourag’d from
‘ entering into ships of war, by every method
‘ that could be made use of, to disgust and offend
‘ them; oppressions and exactions have been too
‘ frequent among the officers; mock expedi-
‘ tions have rais’d their expectations only to de-
‘ ceive them, and sudden discharges at places re-
‘ mote from opportunities of employment, have
‘ plung’d them into distress, and reduc’d them to
‘ beg-

‘beggery. Surely when men have been thus treated, it is no crime to decline a submission to cruelty, nor ought they to be punish’d for that detestation of the service, which is produc’d only by the conduct of others.’

Thomas Clutterbuck, Esq; arose, and spoke to the following effect:

Mr. Clutterbuck's speech.

‘Sir, As the question is not at present whether the bill shall pass, but whether it shall be read a second time, I think any disquisitions upon the methods proposed in it unreasonable and superfluous, and shall therefore not at present either offer or answer objections. But if there be, what no gentleman has denied, a necessity of finding out some method of manning the fleet, I conceive that every scheme for that end deserves to be consider’d; for by considering and even rejecting bad measures, we approach nearer to the discovery of good ones. On such occasions as this, Sir, the most expeditious method of proceeding is undoubtedly the best; and as it is less tedious to amend an imperfect bill, than to draw up a new one, it will be right to consider this in the regular way; we may then reject such clauses as cannot be approved, and substitute others which shall be suggested, less liable to objections.’

The question being at last put, the motion was agreed to, and the bill was order’d to be printed. On the 23d of *February*, the bill was read a second time, and after some debate, was committed to a committee of the whole house. On the 24th, the house order’d, ‘That the proper officer or officers do lay before this house an account of what persons were authorized by her late Majesty Queen *Anne*, under her Royal sign manual, or by the Lord High Admiral of
‘*Eng-*

‘ *England*, or by the Commissioners for executing
 ‘ the office of Lord High Admiral of *England*,
 ‘ to receive and conduct such seamen and
 ‘ seafaring-men, as should be taken up in pur-
 ‘ suance of an act passed in the 4th year of
 ‘ the said Queen’s reign, entitled, *An act for*
 ‘ *the encouragement and increase of seamen, and for*
 ‘ *the better and speedier manning her Majesty’s fleet;*
 ‘ and also what applications were made by such
 ‘ persons to the justices of the peace, and other
 ‘ chief officers, for causing privy searches to be
 ‘ made in pursuance of the said act; and an ac-
 ‘ count of the number of seamen and seafaring-
 ‘ men, which were returned to the navy in pur-
 ‘ suance of such applications and privy searches;
 ‘ and likewise the charge attending the same.’

This account, so far as could be collected from the books and papers in the navy office, was laid before the house, *March* 2. and being then read, it was referred to the committee of the whole house on the said bill. The same day the house resolv’d itself into the said committee, and the first clause of the bill being read, it was proposed to fill up the blanks, so as that every volunteer seaman should, after five years service, be entitled to *6l. per Annum* during life; whereupon Sir *John Barnard* stood up and spoke in substance as follows, *viz.*

‘ Sir, As it is our duty to provide laws, by
 ‘ which all frauds and oppressions may be punish-
 ‘ ed, when they are detected, we are no less ob-
 ‘ liged to obviate such practices as shall make
 ‘ punishments necessary; nor are we only to fa-
 ‘ cilitate the detection, but take away, as far as
 ‘ it is possible, the opportunities of guilt. It is
 ‘ to no purpose that punishments are threaten’d,
 ‘ if they can be evaded, or that rewards are of-
 ‘ fer’d, if they may by any mean artifices

Debate in
the com-
mittee up-
on the first
clause of
the bill.

Sir John
Barnard’s
speech.

‘ be with-held. For this reason, Sir, I think it
 ‘ necessary to observe, that the intent of this
 ‘ clause, the most favourable and alluring clause
 ‘ in the bill, may lose its effect by a practice not
 ‘ uncommon, by which any man, however in-
 ‘ clined to serve his country, may be defrauded
 ‘ of the right of a volunteer. Many men have
 ‘ voluntarily applied to the officers of ships of
 ‘ war, and after having been rejected by them as
 ‘ unfit for the service, have been dragged on
 ‘ board within a few days, perhaps within a few
 ‘ hours afterwards, to undergo all the hardships,
 ‘ without the merit of volunteers. When any
 ‘ man, Sir, has been rejected by the sea officers,
 ‘ he ought to have a certificate given him which
 ‘ shall be an exemption from an impress, that if
 ‘ any other commander shall judge more favour-
 ‘ ably of his qualifications, he may always have
 ‘ the privilege of a volunteer, and be entitled
 ‘ to the reward which he deserved, by his readi-
 ‘ ness to enter the service. If such provisions
 ‘ are not made, this hateful practice, a practice,
 ‘ Sir, common and notorious, and very discour-
 ‘ aging to such as would enter the service of the
 ‘ publick, may so far prevail, that no man shall
 ‘ be able to denominate himself a volunteer, or
 ‘ claim the reward proposed by the bill.’

Admiral *Wager* spoke next to the following effect :

Admiral
Wager's
speech.

‘ Sir, It is not common for men to receive in-
 ‘ juries without applying for redress, when it
 ‘ may certainly be obtained. If any proceed-
 ‘ ings like those which are now complained of,
 ‘ had been mentioned at the board of Admiralty,
 ‘ they had been immediately censured and re-
 ‘ dressed; but as no such accusations were offer’d,
 ‘ I think it may probably be concluded, that no
 ‘ such crimes have been committed. For what
 ‘ pur-

‘ purpose oppressions of this kind should be practised, it is not easy to conceive; for the officers are not at all rewarded for impressing sailors. As therefore it is not probable that any man acts wickedly or cruelly without temptation; as I have never heard any such injury complained of by those that suffer’d it, I cannot but imagine, that it is one of those reports, which arise from mistake, or are forg’d by malice, to injure the officers, and obstruct the service.’

Lord *Baltimore* rose next, and spoke to the following effect.

‘ That the practice now complained of, Sir, is very frequent, and, whatever may be the temptation to it, such as every day produces some instances of, I have reasons for asserting with great confidence. I have within these few days, as I was accidentally upon the river, inform’d myself of two watermen ignominiously dragg’d by force into the service to which they had voluntarily offer’d themselves a few days before. The reasons of such oppression, it is the business of those gentlemen to inquire, whom his Majesty entrusts with the care of his fleet; but to interrupt the course of wickedness, to hinder it from frustrating the rewards offer’d by the publick, is the province of the representatives of the people. And I hope, Sir, some proviso will be made in this case.’

Lord Baltimore's speech

Admiral *Norris* rose and said.

‘ Sir, If any such practices had been frequent, to what can it be imputed, that those who employ their lives in maritime business should be strangers to them? Why have no complaints been made by those that have been injured? Or why should officers expose themselves to the hazard of censure, without advantage? I cannot discover

Admiral Norris's speech

‘ discover why these hardships should be inflicted,
 ‘ nor how they could have been concealed, and
 ‘ therefore think the officers of the navy may be
 ‘ cleared from the imputation, without further
 ‘ inquiry.’

Sir *John Barnard* spoke again to the following purport.

Sir *John*
Barnard's
 reply.

‘ Sir, It is in vain that objections are made, if
 ‘ the facts upon which they are founded may be
 ‘ denied at pleasure: Nothing is more easy than
 ‘ to deny, because proofs are not required of a
 ‘ negative. But as negatives require no proof, so
 ‘ they have no authority, nor can any consequence
 ‘ be deduced from them. I might therefore suf-
 ‘ fer the facts to remain in their present state, af-
 ‘ firmed on one side by those that have reasons to
 ‘ believe them, and doubted on the other without
 ‘ reasons; for surely he cannot be said to reason,
 ‘ who questions an assertion only because he does
 ‘ not know it to be true. But as every question
 ‘ by which the liberty of an *Englishman* may be
 ‘ affected, is of importance sufficient to require,
 ‘ that no evidence should be suppressed by which
 ‘ it may be clear’d, I cannot but think it proper
 ‘ that a committee should be formed to examine
 ‘ the conduct of the officers in this particular;
 ‘ and in confidence of the veracity of those from
 ‘ whom I received my information, I here pro-
 ‘ mise to produce such evidence as shall put an
 ‘ end to controversy and doubt.

‘ If this is not granted, Sir, the fact must stand
 ‘ recorded and allowed; for to doubt, and refuse
 ‘ evidence, is a degree of prejudice and obstinacy
 ‘ without example. Nor is this the only objection
 ‘ to the clause before us, which appears very im-
 ‘ perfect with regard to the qualifications specified
 ‘ as a title to the reward. The reward ought not
 ‘ to be confined to those who shall hereafter be
 ‘ invited

‘ invited by the promise of it to engage in the service, while those who entered into it without any such prospect, are condemned to dangers and fatigues without a recompence. Where merit is equal, the reward ought to be equal; and surely where there is greater merit, the reward proposed by Parliament, as an encouragement to bravery, ought not to be less. To be excluded from the advantages which others have obtained only by avoiding the service; cannot but depress the spirit of those whose zeal and courage incited them at the beginning of the war to enter into the fleet; and to deject those from whom we expect defence and honour, is neither prudent nor just. Nor is it, in my opinion, proper to offer the same reward indiscriminately to all that shall accept it; rewards ought to be proportioned to desert, and no man can justly be paid for what he cannot perform; there ought therefore to be some distinction made between a seaman by profession, one that has learned his art at the expence of long experience, labour and hazard, and a man who only enters the ship because he is useless on land, and who can only incommode the sailors till he has been instructed by them. It appears, Sir, to me a considerable defect in our naval regulations, that wages are not proportioned to ability; and I think it may not be now unseasonably proposed, that sailors should be paid according to the skill which they have acquired; a provision by which an emulation would be raised among them, and that industry excited, which now languishes for want of encouragement, and those capacities awakened which now slumber in ignorance and sloth, from the despair of obtaining any advantage by superiority of knowledge.’

Sir Robert Walpole then rose, and spoke as follows.

Sir Robert
Walpole's
speech.

‘ That this charge, Sir, however positively urged, is generally unjust, the declarations of these honourable gentlemen are sufficient to evince, since it is not probable that the injured persons would not have found some friend to have represented these hardships to the Admiralty, and no such representations could have been made without their knowledge. Yet, Sir, I am far from doubting that by accident, or perhaps by malice, some men have been treated in this manner; for it is not in the power of any administration to make all those honest or wise whom they are obliged to employ; and when great affairs are depending, minute circumstances cannot always be attended to. If the vigilance of those who are intrusted with the chief direction of great numbers of subordinate officers be such, that corrupt practices are not frequent, and their justice such, that they are never unpunished when legally detected, the most strict inquirer can expect no more. Power will sometimes be abused, and punishment sometimes be escaped.

‘ It is, Sir, easy to be conceived that a report may become general, though the practice be very rare. The fact is multiplied as often as it is related, and every man who hears the same story twice, imagines that it is told of different persons, and exclaims against the tyranny of the officers of the navy. But these, in my opinion, Sir, are questions, if not remote from the present affair, yet by no means essential to it. The question now before us is, not what illegalities have been committed in the execution of impresses, but how impresses themselves may become less necessary? how the nation may be secured

‘cured without injury to individuals? and how the fleet may be manned with less detriment to commerce? Sir, the reward now proposed is intended to excite men to enter the service without compulsion; and if this expedient be not approved, another ought to be suggested: For I hope gentlemen are united in their endeavours to find out some method of security to the publick, and do not obstruct the proceedings of the committee, that when the fleets lie inactive and useless, they may have an opportunity to reproach the ministry.’

Admiral *Norris* spoke next, in substance thus.

‘Sir, Though it is not necessary to enter into an accurate examination of the gentleman’s proposal, yet I cannot but observe, that by making it he discovers himself unacquainted with the disposition of seamen, among whom nothing raises so much discontent as the suspicion of partiality. Should one man, in the same rank, receive larger wages than another, he who thought himself injured, as he who is paid less will always think, would be so far from exerting his abilities to attain an equality with his associate, that he would probably never be prevailed on to lay his hand upon the tackling, but would sit fullen, or work perversely, though the ship were labouring in a storm, or sinking in a battle.’

Admiral
Norris's
speech.

Charles Gore, Esq; then spoke as follows.

‘Sir, The danger of introducing distinctions among men in the same rank, where every man that imagines his merit neglected may have an opportunity of resenting the injury, is doubtless such as no prudent commander will venture to incur. Every man in this case becomes the judge of his own merit; and as he will always discover some reason for the preference of another, they

Mr. *Gore's*
speech.

‘ther very different from superiority of desert,
 ‘he will, by consequence, be either intrigued or
 ‘dispirited, will either resolve to desert his com-
 ‘mander, or betray him to the enemies, or not
 ‘oppose them. I remember, Sir, though imper-
 ‘fectly, a story which I heard in my travels, of
 ‘an army in which some troops receiv’d a penny
 ‘a day less than the rest; a parsimony which cost
 ‘dear in the day of battle, for the disgusted
 ‘troops laid down their arms before the enemy,
 ‘and suffered their general to be cut in pieces.’

General *Wade* then spoke to this effect.

General
Wade's
 speech.

‘Sir, I cannot but concur with the honourable
 ‘gentleman in his opinion, that those who are al-
 ‘ready engaged in the service, who have borne
 ‘the fatigues of a long voyage, and perhaps are
 ‘at this hour exposing their lives in battle to de-
 ‘fend the rights of their country, ought to have
 ‘the same claim to the reward proposed with
 ‘those who shall hereafter offer themselves. Nor
 ‘in my opinion ought those who have hitherto
 ‘been pressed into our fleets, to be discouraged
 ‘from their duty by an exclusion from the same
 ‘advantage: For if they were compelled to serve
 ‘in the fleet, they were compelled when there
 ‘was not this encouragement for volunteers,
 ‘which, perhaps, they would have accepted if it
 ‘had been then proposed. Every man at least
 ‘will alledge, that he would have accepted it,
 ‘and complain he suffers only by the fault of the
 ‘government; a government which he will not
 ‘be very zealous to defend, while he is con-
 ‘sidered with less regard than others, from whom
 ‘no greater services are expected. A prospect of
 ‘new rewards, Sir, will add new alacrity to all the
 ‘forces, and an equal distribution of favour will
 ‘secure an unshaken and inviolable fidelity. No-
 ‘thing but union can produce success, and no-
 ‘thing

‘ thing can secure union but impartiality and justice.’

Samuel Sandys, Esq; rose, and spoke as follows.

‘ Sir, The efficacy of rewards, and the necessity of an impartial distribution, are no unfruitful subjects for rhetoric; but it may, perhaps, be more useful at present, to consider with such a degree of attention as the question must be acknowledged to deserve, to whom these rewards are to be paid, and from what fund they are expected to arise. With regard to those who are to claim the reward, Sir, they seem very negligently specified; for they are distinguished only by the character of having serv’d five years; a distinction unintelligible, without explanation. It is, I suppose, Sir, the intent of the bill, that no man shall miss the reward but by his own fault, and therefore it may be inquired, what is to be the fate of him who shall be disabled in his first adventure, whom in the first year or month of his service, an unlucky shot shall confine for the remaining part of his life to inactivity: As the bill is now formed, he must be miserable without a recompence; and his wounds, which make him unable to support himself, will, tho’ received in defence of his country, intitle him to no support from the publick. Nor is this the only difficulty that may arise from the specifying of so long a service; for how can any man that shall enter on board the fleet be informed, that the war will continue for five years? May we not all justly hope that alacrity, unanimity, and prudence, may in a much shorter time reduce our enemies to beg for peace? And shall our sailors lose the reward of their hazards and their labours, only because they have been successful? What will

Mr. Sandys's
speech.

‘ this be less than making their bravery a crime or
 ‘ folly, and punishing them for not protracting
 ‘ the war by cowardice or treachery ?

‘ But let us suppose, Sir, those defects supplied
 ‘ by a more explicit and determinate specification,
 ‘ there will yet arise an objection far more formi-
 ‘ dable ; an objection which the present state of
 ‘ our revenues will not suffer to be answered.
 ‘ The consideration of the greatness of the annual
 ‘ payment, which this proposal requires, ought
 ‘ to incite every man to employ all his sagacity in
 ‘ search of some other method equally efficacious
 ‘ and less expensive. We have already, Sir, forty
 ‘ thousand seamen in our pay, to whom eight
 ‘ thousand more are speedily to be added ; when
 ‘ each of these shall demand his stipend, a new
 ‘ burden of two hundred and eighty thousand
 ‘ pounds must be laid upon the nation ; upon a
 ‘ nation, whose lands are mortgaged, whose re-
 ‘ venues are anticipated, and whose taxes cannot
 ‘ be borne without murmurs, nor increased with-
 ‘ out sedition. The nation has found by experi-
 ‘ ence, that taxes once imposed for just reasons,
 ‘ and continued upon plausible pretences, till they
 ‘ are become familiar, are afterwards continued
 ‘ upon motives less laudable, are too productive
 ‘ of influence, and too instrumental towards faci-
 ‘ litating the measures of the ministry, to be ever
 ‘ willingly remitted.’

Martin Bladen, Esq; spoke next, as follows.

*Mr. Bla-
 den's speech.*

‘ Sir, It is obvious, that when the balance is
 ‘ unequal, it may be reduced to an equilibrium,
 ‘ as well by taking weight out of one scale, as
 ‘ adding it to the other. The wages offered by
 ‘ the merchants, overbalance at present those
 ‘ which are proposed by the crown ; to raise the
 ‘ allowance in the ships of war, will be to lay
 ‘ new loads upon the publick, and will incom-
 ‘ mode

' mode the merchants, whose wages must always
 ' bear the same proportion to the King's. The
 ' only method then that remains, is to lighten
 ' the opposite scale, by restraining the merchants
 ' from giving wages in time of war beyond a
 ' certain value ; for as the service of the crown is
 ' then more immediately necessary to the general
 ' advantage, than that of the merchants, it ought to
 ' be made more gainful. Sailors, Sir, are not generally
 ' men of very extensive views ; and therefore we
 ' cannot expect that they should prefer the gene-
 ' ral good of their country before their own pre-
 ' sent interest, a motive of such power, that even
 ' in men of curious researches, refin'd sentiments,
 ' and generous education, we see too often that it
 ' surmounts every other consideration.'

Lord *Baltimore* then spoke again.

' Sir, To the expedient which the honourable Lord Balti-
 ' gentleman who spoke last has suggested, and more's
 ' which he must be confessed to have placed in speech.
 ' the strongest light, many objections may be
 ' raised, which I am afraid will not easily be re-
 ' moved. The first, Sir, which occurs to me on
 ' this short reflexion, is not less than the impossi-
 ' bility of putting his scheme in execution. The
 ' prescription of wages, which he proposes, may
 ' be eluded by a thousand artifices, by advanced
 ' money, by gratuitous acknowledgments, the
 ' payment of money for pretended services, or
 ' by secret contracts, which it will be the interest
 ' of both parties to conceal. But if this objection
 ' could be surmounted by severity and vigilance,
 ' would not this expedient help to defeat the ge-
 ' neral intention of the bill ? A bill not design'd
 ' as an immediate resource, a mere temporary pro-
 ' ject to supply our fleets for the present year,
 ' but as a method for removing the only obstruc-
 ' tion of the *British* power, the difficulty of man-
 ' ning

‘ning our ships of war. It is, I hope, Sir, the
 ‘intention of every man, who has offered his
 ‘sentiments on this occasion, to contrive some
 ‘general encouragement for seamen, which shall
 ‘not only invite them to assist their country at
 ‘the first summons, but shall allure others to qua-
 ‘lify themselves for the publick service, by enga-
 ‘ging in the same profession. This is only to be
 ‘done by making the condition of sailors less mi-
 ‘serable, by intitling them to privileges, and ho-
 ‘nouring them with distinctions. But by limiting
 ‘the merchants wages, if such limitations are in-
 ‘deed possible, tho’ we may palliate the present
 ‘distress, we shall diminish the number of sailors,
 ‘and thereby not only contract our commerce,
 ‘but indanger our country.’

Robert Tracey, Esq; spoke next, to the follow-
 ing effect.

*Mr. Tracey's
 speech.*

‘Sir, I know not for what reasons the pre-
 ‘sent method of advancing rewards at entrance is
 ‘practised, of which, however specious it might
 ‘appear, the success by no means encourages the
 ‘continuance. The sailors, tho’ not a generation
 ‘of men much disposed to reflexion, or qualified
 ‘for ratiocination, are not yet so void of thought
 ‘as not easily to perceive, that a small increase of
 ‘constant wages is of more value than several
 ‘pounds to be paid only at once, and which are
 ‘squandered as soon as they are received. In-
 ‘stead therefore of restraining the wages of the
 ‘merchants, it seems probable, that by raising
 ‘those of the King, we may man the fleet with
 ‘most expedition; and one method of raising
 ‘the wages will be to suppress the advanced mo-
 ‘ney.’

The Attorney General spoke next.

*Attorney
 General's
 speech.*

‘Sir, If the sum of money now paid by way
 ‘ of

' of advance can be supposed to have any effect,
 ' if it can be imagined that any number of sea-
 ' men, however inconsiderable, are allured by it
 ' into the fleet, it is more usefully employ'd than
 ' it can be suppos'd to be when sunk into the
 ' current wages, and divided into small payments.
 ' The advance-money is only paid to those that
 ' enter: If no volunteers present themselves, no
 ' money is paid, and the nation doth not suffer
 ' by the offer: But if the wages are raised, the
 ' expence will be certain, without the certainty of
 ' advantage; for those that enter voluntarily into
 ' the fleet, will receive no more than those that
 ' are forced into it by an impress; and therefore
 ' there will be no incitement to enter without
 ' compulsion. Thus every other inconvenience
 ' will remain, with the addition of a new burden
 ' to the nation; our forces will be maintained at
 ' a greater expence, and not raised with less diffi-
 ' culty.'

Then the Lord *Baltimore* said,

' Sir, I cannot but concur in opinion with
 ' the honourable gentleman who spoke last, from
 ' my own acquaintance with the sentiments and
 ' habits that unalterably prevail among those who
 ' have been accustomed to the sea, a race of men
 ' to the last degree negligent of any future events,
 ' and careless about any provision against distant
 ' evils; men who have no thoughts at sea, but
 ' how to reach the land; nor at land, but how to
 ' squander what they have gained at sea. To
 ' men like these it may easily be imagin'd, that
 ' no encouragement is equal to the temptation of
 ' present gain, and the opportunity of present
 ' pleasure. Of this any man, Sir, may convince
 ' himself, who shall talk to a crew but half an
 ' hour; for he shall find few among them, who
 ' will not for a small sum of present money, sell
 ' any

Lord Balti-
 more's
 speech.

‘ any distant prospect of affluence or happiness.
 ‘ Whether I am mistaken in my opinion, the ho-
 ‘ nourable members who have long commanded
 ‘ in the naval service, can easily determine, and
 ‘ I doubt not but they will agree, that no motive
 ‘ can be proposed to a sailor equivalent to imme-
 ‘ diate reward.’

Sir William Yonge spoke next.

*Sir William
 Yonge's
 speech.*

‘ Sir, That some distinction ought to be made
 ‘ to the advantage of voluntiers, if we intend to
 ‘ man our fleet without compulsion, is obvious
 ‘ and incontestable; and to avoid the necessity of
 ‘ compulsion ought to be the chief end of this
 ‘ bill; for nothing can be less to the advantage of
 ‘ the nation, than to continue the use of such un-
 ‘ grateful methods, and yet increase the publick
 ‘ expence. We ought, therefore, in my opinion,
 ‘ to determine upon some peculiar reward, either
 ‘ to be advanc’d upon their entrance into the ser-
 ‘ vice, or paid at their dismissal from it. But
 ‘ as I see, Sir, no reason for hoping that all the
 ‘ encouragement which can be offered, will raise
 ‘ voluntiers in a sufficient number to secure our
 ‘ navigation, and assert our sovereignty, it seems
 ‘ not proper to confine our consultations to this
 ‘ part of the bill; for since compulsion is on
 ‘ many occasions apparently necessary, some me-
 ‘ thod requires to be consider’d, in which it may
 ‘ be legal. What new power ought to be placed
 ‘ in the magistrate, for what time, and with
 ‘ what restrictions, I am far from assuming the
 ‘ province of determining; but that some mea-
 ‘ sures must be taken for compelling those who
 ‘ cannot be persuaded, and discovering those that
 ‘ will not offer themselves, cannot admit of
 ‘ doubt; and as the magistrate is at present with-
 ‘ out any authority for this purpose, it is evident,
 ‘ that his power must be extended, for the same
 ‘ reason

‘ reason as it was given in its present degree, the
 ‘ general benefit of the whole community.’

Sir *John Barnard* then spoke to the following effect.

‘ Sir, If the intent of this bill be to enable one
 ‘ part of the nation to enslave the other ; if the
 ‘ plausible and inviting professions of encouraging
 ‘ and increasing seamen, are to terminate in vio-
 ‘ lence, constraint, and oppression, it is unneces-
 ‘ sary to dwell longer upon particular clauses.
 ‘ The intention of the bill is detestable, and de-
 ‘ serves not the ceremony of debate, or the forms
 ‘ of common regard. If a man, Sir, is liable
 ‘ to be forc’d from the care of his own private
 ‘ affairs, from his favourite schemes of life,
 ‘ from the engagements of domestick tender-
 ‘ ness, or the prospects of near advantage, and
 ‘ subjected without his consent to the command
 ‘ of one whom he hates, or dreads, or perhaps
 ‘ despises, it requires no longer argument to shew,
 ‘ that by whatever authority he is thus treated,
 ‘ he is reduced to the condition of a slave, to
 ‘ that abject, to that hateful state, which every
 ‘ *Englishman* has been taught to avoid at the ha-
 ‘ zard of his life. It is therefore evident, that a
 ‘ law which tends to confer such a power, sub-
 ‘ verts our constitution as far as its effects ex-
 ‘ tend ; a constitution, which was originally
 ‘ formed as a barrier against slavery, and which
 ‘ one age after another has endeavour’d to
 ‘ strengthen. Such a power, therefore, in what-
 ‘ ever hands it may be lodg’d, I shall always op-
 ‘ pose. It is dangerous, Sir, to intrust any man
 ‘ with absolute dominion, which is seldom known
 ‘ to be impartially exercised, and which often
 ‘ makes those corrupt and insolent, whom it
 ‘ finds benevolent and honest. The bill pro-
 ‘ poses only encouragement, and encouragement
 ‘ may

*Sir John
 Barnard's
 speech.*

‘ may be given by his Majesty, without a new
 ‘ law ; let us therefore draw up an address, and
 ‘ cease to debate, where there is no prospect of
 ‘ agreement.’

Thomas Winnington, Esq; spoke as follows.

Mr. Win-
 ington's
 speech.

‘ Sir, The payment of an annual salary will,
 ‘ in my opinion, be to the last degree inconveni-
 ‘ ent and dangerous. The yearly expence has
 ‘ been already estimated, and arises to a sum very
 ‘ formidable in our present state. Nor is the ne-
 ‘ cessity of adding to the publick burden, a bur-
 ‘ den which already is hard to be borne, the only
 ‘ objection to this proposal. Nothing can more
 ‘ contribute to dispirit the nation, than to pro-
 ‘ tract the consequences of a war, and to make
 ‘ the calamity felt, when the pleasures of victory
 ‘ and triumph have been forgotten ; we shall
 ‘ be inclin’d rather to bear oppression and insult,
 ‘ than endeavour after redress, if we subject our-
 ‘ selves, and our posterity, to endless exactions.
 ‘ The expences of the present provision for super-
 ‘ annuated and disabled sailors, is no inconsidera-
 ‘ ble tax upon the publick, which is not less
 ‘ burden’d by it for the manner of collecting it,
 ‘ by a deduction from the sailors wages ; for
 ‘ whoever pays it immediately, it is the ultimate
 ‘ gift of the nation, and the utmost that can be
 ‘ allowed for this purpose. It must be confessed,
 ‘ Sir, the persons intitled to the pension are not
 ‘ sufficiently distinguished in the bill ; by which,
 ‘ as it now stands, any of the worthless superflui-
 ‘ ties of a ship, even the servants of the cap-
 ‘ tains, may after five years, put in their de-
 ‘ mand, and plunder that nation which they
 ‘ never serv’d. Nor do I think, Sir, the efficacy
 ‘ of this method will bear any proportion to the
 ‘ expence of it ; for I am of opinion, that few
 ‘ of the sailors will be much affected by the
 ‘ prospect

‘ prospect of a future pension. I am therefore
 ‘ for dazzling them with five pounds to be given
 ‘ them at their entrance, which will be but a sin-
 ‘ gle payment, and probably fill our fleets with
 ‘ greater expedition, than methods which appear
 ‘ more refin’d, and the effects of deeper medita-
 ‘ tion.’

The Lord *Gage* spoke in the following manner.

‘ Sir, Nothing is more clear than that an yearly Lord Gage’s
speech.
 ‘ pension will burden the nation, without any ad-
 ‘ vantage; and as it will give occasion to immu-
 ‘ merable frauds, it is a method which ought to
 ‘ be rejected. As to the new power, Sir, which
 ‘ is propos’d to be placed in the hands of the
 ‘ magistrates, it undoubtedly reduces every sailor
 ‘ to a state of slavery, and is inconsistent with
 ‘ that natural right to liberty, which is confirmed
 ‘ and secured by our constitution. The bill there-
 ‘ fore is, in my opinion, defective in all its parts,
 ‘ of a tendency generally pernicious, and cannot
 ‘ be amended but by rejecting it.’

Henry Pelham, Esq; spoke next, to this effect.

‘ Sir, I cannot but think it necessary, that on Mr. Pelham’s
speech.
 ‘ this occasion, at least, gentlemen should remit the
 ‘ ardour of disputation, and lay the arts of rhe-
 ‘ torick aside, that they should reserve their wit
 ‘ and their satire for questions of less importance,
 ‘ and unite, for once, their endeavours, that this
 ‘ affair may meet with no obstructions but from
 ‘ its natural difficulty. We are now, Sir, enga-
 ‘ ged in a war with a nation, if not of the first
 ‘ rank in power, yet by no means contemptible
 ‘ in itself; and, by its alliances, extremely for-
 ‘ midable. We are exposed, by the course of
 ‘ our trade, and the situation of our enemies, to
 ‘ many inevitable losses, and have no means of
 ‘ preventing our merchants from being seized,

' without any danger or expence to the *Spani-*
 ' *ards*, but by covering the sea with our squa-
 ' drons. Nor are we, Sir, to satisfy ourselves
 ' with barely defeating the designs of the *Spani-*
 ' *ards*; our honour demands that we should force
 ' them to peace upon advantageous terms; that
 ' we should not repulse, but attack them; not
 ' only preserve our own trade and possessions, but
 ' endanger theirs. It is by no means certain, Sir,
 ' that in the prosecution of these designs we shall
 ' not be interrupted by the interest or jealousy
 ' of a nation far more powerful, whose forces we
 ' ought therefore to be able to resist. A vigorous
 ' exertion of our strength will probably either in-
 ' timidate any other power that may be incli-
 ' ned to attack us, or enable us to repel the inju-
 ' ries that shall be offered: Discord and delay
 ' can only confirm our open enemies in their ob-
 ' stinacy, and animate those that have hitherto
 ' concealed their malignity to declare against us.
 ' It is therefore, Sir, in no degree prudent to ag-
 ' gravate the inconveniencies of the measures
 ' proposed, for accomplishing what every man
 ' seems equally to desire; to declaim against the
 ' expedients offered in the bill as pernicious, un-
 ' just, and oppressive, contributes very little to
 ' the production of better means. That our af-
 ' fairs will not admit of long suspense, and that
 ' the present methods of raising seamen are not
 ' effectual, is universally allowed; it therefore
 ' evidently follows, Sir, that some other must be
 ' speedily struck out. I think it necessary to pro-
 ' pose, that the house be resolved into a commit-
 ' tee to-morrow morning; and hope all that shall
 ' assemble on this occasion, will bring with them
 ' no other passion, than zeal for their country.'

A new clause
 substituted
 in its stead,

The committee was put off, without coming to
 any resolution upon this clause, till the 4th, when

a clause was offer'd in its stead, by which it was proposed to give a bounty of 5*l.* to every able-bodied seaman, and 3*l.* to every ordinary seaman, that should enter voluntarily into his Majesty's service after twenty days, and within sixty; whereupon *Thomas Winnington*, Esq; spoke in substance as follows:

' Sir, This is the clause in which no opposition
' can be apprehended, as those gentlemen who Mr. Win-
' declared their disapprobation of the former, nington's
' were almost unanimous in proposing this ex- speech
' pedient, as the least expensive, and the most
' likely to succeed. The time for the reception
' of volunteers upon this condition, is, Sir, in
' my opinion, judiciously determined. If it was
' extended to a greater length, or left uncertain,
' the reward would lose its efficacy, the sailors
' would neglect that which they might accept at
' any time, and would only have recourse to the
' ships of war, when they could find no other
' employment. Yet I cannot conceal my apprehensions, that this bounty will not alone be sufficient to man our fleets with proper expedition;
' and that as allurements may be useful on one
' hand, force will be found necessary on the other,
' that the sailors may not only be incited to engage in the service by the hopes of a reward, but
' by the fear of having their negligence to accept it punished, by being compel'd into the same
' service, and forfeiting their claim by staying to
' be compel'd.'

The Lord *Baltimore* then spoke to the following effect:

' Sir, To the reward proposed in this clause, Lord Baltimore's speech
' I have declared in the former conference on this
' bill, that I have no objection, and therefore
' have no amendment to propose, except with
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' regard to the time limited for the payment.
 ' As our need of seamen, Sir, is immediate, why
 ' should not a law for their encouragement im-
 ' mediately operate? What advantage can arise
 ' from delays? Or why is not that proper to be
 ' advanc'd now, that will be proper in twenty
 ' days? That all the time between the enactment and
 ' operation of this law must be lost, is evident,
 ' for who will enter for two pounds, that may
 ' gain five by with-holding himself from the ser-
 ' vice twenty days longer? Nor do I think the
 ' time now limited sufficient; many failors who
 ' are now in the service of the merchants, may
 ' not return soon enough to lay claim to the
 ' bounty, who would gladly accept it, and who
 ' will either not serve the crown without it, or
 ' will serve with disgust and complaints; as the
 ' loss of it cannot be imputed to their backward-
 ' ness, but to an accident against which they
 ' could not provide.'

Thomas Winnington, Esq; replied:

*Mr. Win-
nington's re-
ply.*

' Sir, Tho' I think the time now fixed by the
 ' bill sufficient, as I hope that our present exi-
 ' gency will be but of short continuance, and
 ' that we shall soon be able to raise naval forces
 ' at a cheaper rate, yet as the reasons alledged for
 ' an alteration of the time may appear to others
 ' of more weight than to me, I shall not oppose
 ' the amendment.'

Sir John Barnard next rose, and said,

*Sir John
Barnard's
speech.*

' Sir, With regard to the duration of the time
 ' fixed for the advancement of this bounty, we
 ' may have leisure to deliberate; but surely it
 ' must be readily granted by those who have ex-
 ' patiated so copiously upon the present exigen-
 ' cies of our affairs, that it ought immediately
 ' to commence. And if this be the general de-

‘ termination of the house, nothing can be more
 ‘ proper than to address his Majesty to offer, by
 ‘ proclamation, an advance of five pounds, in-
 ‘ stead of two, which have been hitherto given;
 ‘ that while we are concerting other measures for
 ‘ the advantage of our country, those in which
 ‘ we have already concurred, may be put in exe-
 ‘ cution.’

William Pulteney, Esq; rose up next, and spoke
 as follows:

‘ Sir, I take this opportunity to lay before Mr. Pulteney's speech.
 ‘ the house a grievance which very much retards
 ‘ the equipment of our fleets, and which must
 ‘ be redressed before any measures for reconciling
 ‘ the sailors to the publick service can be pur-
 ‘ sued with the least probability of success. Ob-
 ‘ servation, Sir, has inform'd me, that to re-
 ‘ move the detestation of the King's service,
 ‘ it is not necessary to raise the wages of the sea-
 ‘ men, it is necessary only to secure them; it is
 ‘ necessary to destroy those hateful insects that
 ‘ fatten in idleness and debauchery, upon the
 ‘ gains of the industrious and honest. When a
 ‘ sailor, Sir, after the fatigues and hazards of a
 ‘ long voyage, brings his ticket to the pay-office,
 ‘ and demands his wages, the despicable wretch
 ‘ to whom he is obliged to apply, looks upon his
 ‘ ticket with an air of importance, acknowledges
 ‘ his right, and demands a reward for present
 ‘ payment; with this demand, however exor-
 ‘ bitant, the necessities of his family oblige him
 ‘ to comply. In this manner, Sir, are the wives
 ‘ of the sailors also treated when they come to
 ‘ receive the pay of their husbands; women, dis-
 ‘ tress'd, friendless, and unsupported; they are
 ‘ obliged to endure every insult, and to yield to
 ‘ every oppression. And to such a height do
 ‘ these merciless exactors raise their extortions,
 ‘ that

‘ that sometimes a third part of the wages is deducted. Thus, Sir, do the vilest, the meanest of mankind, plunder those who have the highest claim to the esteem, the gratitude, and the protection of their country. This is the hardship which with-holds the sailors from our navies, and forces them to seek for kinder treatment in other countries. This hardship, Sir, both justice and prudence call upon us to remedy; and while we neglect it, all our deliberations will be ineffectual.’

Edward Southwell, Esq; then spoke to this effect :

Mr. Southwell's speech

‘ Sir, Of the hardships mentioned by the honourable gentleman who spoke last, I have myself known an instance, too remarkable not to be mentioned. A sailor in *Ireland*, after his voyage, met with so much difficulty in obtaining his wages, that he was at length reduced to the necessity of submitting to the reduction of near a sixth part. Such are the grievances with which those are oppressed, upon whom the power, security, and happiness of the nation are acknowledged to depend.’

Sir Robert Walpole then rose, and spoke as follows :

Sir Robert Walpole's speech.

‘ Sir, It is not without surprise that I hear the disgust of the sailors ascribed to any irregularity in the payment of their wages, which were never in any former reign so punctually discharged. They receive at present twelve months pay in eighteen months, without deduction; so that there are never more than six months for which any demand remains unsatisfied. But, Sir, the punctuality of the payment has produced of late great inconveniences; for there has been frequently a necessity of removing

‘ ving men from one ship to another; and it is
 ‘ the stated rule of the pay-office, to assign every
 ‘ man so removed his full pay. These men, when
 ‘ the government is no longer indebted to them,
 ‘ take the first opportunity of deserting the ser-
 ‘ vice, and ingaging in business to which they
 ‘ are more inclined. This is not a chimerical
 ‘ complaint founded upon rare instances, and pro-
 ‘ duced only to counterbalance an objection; the
 ‘ fact and the consequences are well known; so
 ‘ well, that near fourteen hundred sailors are com-
 ‘ puted to have been lost by this practice.’

Mr. Speaker, who always in a committee takes his seat as another member, rose here, and spoke to the following effect; his honour being pay-master of the navy.

‘ Mr. Chairman,

‘ The nature of the employment with which Mr. Speaker's speech.
 ‘ I am intrusted, makes it my duty to endeavour
 ‘ that this question may be clearly understood,
 ‘ and the condition of the seamen, with regard
 ‘ to the reception of their pay, justly represent-
 ‘ ed. I have not been able to discover that any
 ‘ sailor, upon producing his ticket, was ever ob-
 ‘ liged to submit to the deduction of any part of
 ‘ his wages, nor should any clerk or officer under
 ‘ my inspection, escape for such oppression, the
 ‘ severest punishment and most publick censure;
 ‘ I would give him up to the law without re-
 ‘ serve, and mark him as infamous and unwor-
 ‘ thy of any trust or employment. But there
 ‘ are extortions, Sir, by which those unhappy
 ‘ men, after having serv'd their country with ho-
 ‘ nesty and courage, are deprived of the lawful
 ‘ gains of diligence and labour. There are men
 ‘ to whom it is usual amongst the sailors to mort-
 ‘ gage their pay before it becomes due, who
 ‘ never advance their money but upon such
 S 3 ‘ terms,

‘ terms, as cannot be mentioned without indignation. These men advance the sum which is stipulated, and by virtue of a letter of attorney are reimburs’d at the pay-office. This corruption is, I fear, not confin’d to particular places, but has spread even to *America*, where, as in his own country, the poor sailor is seduced, by the temptation of the present money, to sell his labour to extortioners and usurers. I appeal to the gentleman whether the instance which he mention’d was not of this kind. I appeal to him without apprehension of receiving an answer that can tend to invalidate what I have asserted. [Mr. *Southwell* own’d it was by a letter of attorney.]

‘ This, Sir, is indeed a grievance pernicious and oppressive, which no endeavours of mine shall be deficient in attempting to remove; for by this the sailor is condemn’d, notwithstanding his industry and success, to perpetual poverty, and to labour only for the benefit of his plunderer.’

Debate upon
the clauses
for searching.

This clause being amended and filled up, as in the above copy of the bill, was at last agreed to, and the committee having made a farther progress, the following remarkable debate happen’d upon the clauses for searching; in which Sir *John Barnard* was the first that spoke, whose speech was to the following effect:

Sir *John*
Barnard’s
speech.

‘ Mr. Chairman,
‘ We have been hitherto deliberating upon questions, in which a diversity of opinions might naturally be expected, and in which every man might indulge his own opinion, whatever it might be, without any dangerous consequences to the publick. But the clauses now before us are of a different kind; clauses which cannot
‘ be

‘ be read without astonishment and indignation,
‘ nor defended without betraying the liberty of
‘ the best, the bravest, and most useful of our
‘ fellow subjects. If these clauses, Sir, should
‘ pass into a law, a sailor and a slave will become
‘ terms of the same signification. Every man,
‘ who has devoted himself to the most useful
‘ profession, and most dangerous service of his
‘ country, will see himself deprived of every ad-
‘ vantage which he has labour’d to obtain, and
‘ made the mere passive property of those who
‘ live in security by his valour, and owe to his
‘ labour that affluence which hardens them to in-
‘ sensibility, and that pride that swells them to in-
‘ gratitude. Why must the sailors alone, Sir, be
‘ mark’d out from all the other orders of men
‘ for ignominy and misery? Why must they be
‘ rank’d with the enemies of society, stopt like
‘ vagabonds, and pursed like the thief and the
‘ murderer by publick officers? How or when
‘ have they forfeited the common privilege of
‘ human nature, or the general protection of the
‘ laws of their country? If it is a just maxim,
‘ Sir, that he who contributes most to the wel-
‘ fare of the publick, deserves most to be pro-
‘ tected in the injoyment of his private right or
‘ fortune; a principle which surely will not be
‘ controverted, where is the man that dares stand
‘ forth and assert, that he has juster claims than
‘ the brave, the honest, the diligent sailor? I am
‘ extremely unwilling, Sir, to ingage in so invi-
‘ dious an undertaking, as the comparison of the
‘ harmless, inoffensive, resolute sailor, with those
‘ who think themselves entitled to treat him with
‘ contempt, to overlook his merit, invade his
‘ liberty, and laugh at his remonstrances. Nor
‘ is it, Sir, necessary to dwell upon the peculiar
‘ merit of this body of men, it is sufficient that
‘ they

‘ they have the same claims, founded upon the
 ‘ same reasons with our own, that they have ne-
 ‘ ver forfeited them by any crime, and therefore
 ‘ that they cannot be taken away without the
 ‘ most flagrant violation of the laws of nature, of
 ‘ reason, and of our country.

‘ Let us consider the present condition of a
 ‘ sailor, let us reflect a little upon the calamities
 ‘ to which custom, though not law, has already
 ‘ made him subject, and it will surely not be
 ‘ thought that his unhappiness needs any aggra-
 ‘ vation. He is already exposed to be forc’d up-
 ‘ on his return from a tedious voyage, into new
 ‘ hardships, without the intermission of a day,
 ‘ and without the sight of his family; he is liable
 ‘ after a contract for a pleasing and gainful voy-
 ‘ age, to be hurried away from his prospects of
 ‘ interest, and condemn’d amidst oppression and
 ‘ insolence, to labour and to danger, almost with-
 ‘ out the possibility of a recompence. He has
 ‘ neither the privilege of chusing his commander,
 ‘ nor of leaving him when he is defrauded and
 ‘ oppressed. These, Sir, I say, are the calamities
 ‘ to which he is now subject, but there is now a
 ‘ possibility of escaping them. He is not yet de-
 ‘ prived of the right of resistance, or the power
 ‘ of flight; he may now retire to his friend, and
 ‘ be protected by him, he may take shelter in his
 ‘ own cottage, and treat any man as a robber,
 ‘ that shall attempt to force his doors. When any
 ‘ crews are returning home in time of war, they
 ‘ are acquainted with the dangers of an impress,
 ‘ but they comfort themselves with contriving
 ‘ stratagems to elude it, or with the prospect of
 ‘ obtaining an exemption from it by the favour of
 ‘ their friends: Prospects which are often deceit-
 ‘ ful, and stratagems frequently defeated; but
 ‘ which yet support their spirits, and animate their
 ‘ industry. But if this bill, Sir, should become

‘ a law, the sailor instead of amusing himself on
‘ his return, with the prospects of ease, or of
‘ pleasure, will consider his country as a place of
‘ slavery, a residence less to be desir’d than any
‘ other part of the world. He will probably seek
‘ in the service of some foreign Prince, a kinder
‘ treatment, and will not fail in any country but
‘ his own, to see himself at least on a level with
‘ other men.

‘ Nor will this bill, Sir, only give the seamen
‘ new reasons of disgust, but it will tend likewise
‘ to aggravate those grievances, which already
‘ have produced a detestation of the publick ser-
‘ vice, scarcely to be conquer’d. The officers of
‘ the navy, Sir, will hardly be made less insolent
‘ by an increase of power; they whose tyranny
‘ has already alienated their fellow-subjects from
‘ the King’s service, though they could only de-
‘ pend upon the character of probity and modera-
‘ tion for the prospect of manning their ships in
‘ succeeding expeditions, will probably, when
‘ they are animated by a law like this, and made
‘ absolute both by land and sea, indulge them-
‘ selves in the enjoyment of their new authority,
‘ contrive new hardships and oppressions, and ty-
‘ rannize without fear and without mercy. Thus,
‘ Sir, will the bill not only be tyrannical in itself,
‘ but the parent of tyranny; it will give security
‘ to the cruel, and confidence to the arrogant.
‘ That any man, at least any man bred from his
‘ infancy to change his residence, and accustomed
‘ to different climates and to foreign nations, will
‘ fix by choice in that country where he finds the
‘ worst reception, is hardly to be imagined. We
‘ see indeed, that men unqualified to support
‘ themselves in other countries, or who have, by
‘ long custom, contracted a fondness for particular
‘ methods of life, will bear very uncomfortable
‘ circumstances, without endeavouring to improve
‘ their

' their conditions by a change of their habitations.
 ' But the temper of a sailor, acquainted with all
 ' parts, and indifferent to all, is of another kind.
 ' Such, Sir, is his love of change, arising either
 ' from wantonness or curiosity, that he is hard to
 ' be retained by the kindest treatment and most
 ' liberal rewards; and will therefore never struggle
 ' with his habitual dispositions, only to continue
 ' in a state of slavery. I think it therefore, Sir,
 ' very evident that this new method of encoura-
 ' ging sailors will be so far from increasing them,
 ' that it may probably drive them out of the
 ' kingdom, and at once ruin our trade and our
 ' navy; at once begger and disarm us.

' Let me now suppose, Sir, for a moment the
 ' bill less pernicious in its consequences, and con-
 ' sider only the difficulties of executing it. Every
 ' seafaring-man is to be seized at pleasure by the
 ' magistrate; but what definition is given of a
 ' seafaring-man? Or by what characteristick is the
 ' magistrate to distinguish him? I have never been
 ' able to discover any peculiarities in the form of
 ' a seaman, that mark him out from the rest of
 ' the species. There is, indeed, less servility in
 ' his air and less effeminacy in his face, than in
 ' those that are commonly to be seen in drawing
 ' rooms, in brothels, and at reviews; but I know
 ' not that a seaman can be distinguish'd from any
 ' other man of equal industry or use, who has
 ' never enervated himself by vice, nor polish'd
 ' himself into corruption. So that this bill, Sir,
 ' if it shall pass into a law, will put it at once in
 ' the power of the magistrate to dispose of sea-
 ' men at his pleasure, and to term whom he
 ' pleases a seaman. Another expedient, Sir, has
 ' been offered on this occasion, not equally tyran-
 ' nical, but equally inadequate to the end in view.
 ' It is proposed to restrain the merchants from
 ' giving wages beyond a certain rate, on the sup-
 ' position

‘ position that the sailors have no motive but that
‘ of larger wages, to prefer the service of the
‘ merchants to that of the crown. This, Sir, is
‘ a mistake which might easily arise from a partial
‘ and imperfect knowledge of the affair, with
‘ which very few gentlemen have opportunities
‘ of being well acquainted. The wages, Sir, are
‘ the smallest inducements which fix the seamen
‘ in their choice. The prospect of kinder treat-
‘ ment, the certainty of returning home in a fix’d
‘ time, and the power of chusing what voyages
‘ they will undertake, cannot but be acknowledg-
‘ ed very reasonable motives of preference.

‘ On the contrary, Sir, when they are once en-
‘ gaged in a ship of war, they know neither whi-
‘ ther they are going, what dangers they shall en-
‘ counter, what hardships they shall suffer, nor
‘ when they shall be dismissed. Besides, Sir, I
‘ do not think it possible by any law to limit the
‘ wages to be paid by merchants, since they will
‘ change the term of wages into that of a present,
‘ or admit the sailors, to a small share in the
‘ freight, and so all the precaution we can take
‘ will become ineffectual. In the mean time, Sir,
‘ how much shall we embarrass our own com-
‘ merce and impair our natural strength, the pow-
‘ er of our fleets? We shall terrify our sailors on
‘ the one hand, and endeavour to starve them on
‘ the other, we shall not only drive them from us
‘ by unheard-of severities, but take away every
‘ motive that can induce them to expose them-
‘ selves to the danger of suffering them. If we
‘ consider, Sir, with what effect methods nearly
‘ approaching these were practised in the reign of
‘ the late Queen, we shall find that not more than
‘ fifteen hundred seamen were raised, and those at
‘ the expence of more than four thousand pounds;
‘ so that the effects bore no proportion to the
‘ means; our laws were infringed and our consti-
‘ tution

‘ tution violated to no purpose. But what reason,
 ‘ Sir, can be assigned, for which it must be more
 ‘ difficult to supply the fleet now with sailors than
 ‘ at any other time? This war, Sir, was demand-
 ‘ ed by the publick voice, in pursuance of the
 ‘ particular remonstrances of the merchants, and
 ‘ it is not to be supposed that the sailors, or any
 ‘ other body of men, engage in it with a particular
 ‘ reluctance.

‘ I am therefore inclined to believe, that the
 ‘ suspicion of great numbers hid in the country,
 ‘ at a distance from the coasts, is merely chimerical;
 ‘ and that if we should pass this bill, we should
 ‘ do nothing more than grant an oppressive and
 ‘ unconstitutional power of search for what in re-
 ‘ ality is not to be found. How oppressive this
 ‘ power may become in the hands of a corrupt
 ‘ or insolent magistrate, any man may discover
 ‘ who remembers that the magistrate is made
 ‘ judge, without appeal, of his own right to de-
 ‘ nominate any man a sailor, and that he may
 ‘ break open any man’s doors at any time, with-
 ‘ out alledging any other reason than his own sus-
 ‘ picion; so that no man can secure his house
 ‘ from being searched, or, perhaps, his person
 ‘ from being seiz’d. It may indeed be alledged,
 ‘ Sir, that this will be only a temporary law, and
 ‘ is to cease with the exigence that made it neces-
 ‘ sary: But long experience has inform’d us, that
 ‘ severe laws are enacted more readily than they
 ‘ are repeal’d; and that most men are too fond of
 ‘ power to suffer willingly the diminution of it.
 ‘ But, Sir, though this law should not be perpe-
 ‘ tuated, every precedent of an infringement of
 ‘ our constitution, makes way for its dissolution;
 ‘ and the very cessation of an oppressive law, may
 ‘ be a plea hereafter for the revival of it. This
 ‘ bill therefore must be confessed to be at once vi-
 ‘ olent and ineffectual; to be a transgression of the
 ‘ laws

‘ laws of justice to particular men, without any
 ‘ prospect of real benefit to the community; and
 ‘ therefore cannot be passed without deviating at
 ‘ once from prudence and our constitution.’

Velters Cornewall, Esq; then rose, and spoke to this effect.

‘ I have observed, Sir, that every man is apt
 ‘ to think himself ill treated, who is not treated
 ‘ according to his own opinion of his deserts, and
 ‘ will endeavour to diffuse his own notion of the
 ‘ partiality and tyranny of the naval officers; ge-
 ‘ neral clamours therefore are little to be regarded.
 ‘ I have had, from my early years, a command
 ‘ in the sea service, and can assert, that I never
 ‘ knew more than one instance of injustice, and
 ‘ that was punished with the severity which it de-
 ‘ served.’

Mr. Cornewall's
speech.

Sir Robert Walpole rose next, and spoke to this effect.

‘ Sir, It is with uncommon satisfaction that I
 ‘ see every clause of this bill regularly debated,
 ‘ without unbecoming impatience, or passionate
 ‘ exclamations. I am willing to collect from this
 ‘ conduct, that the disposition of every gentleman
 ‘ is, on this occasion, the same with my own;
 ‘ and that every expedient here propos’d will be
 ‘ diligently examined, and either be seriously ap-
 ‘ proved, or be calmly rejected. Such coolness
 ‘ and impartiality, Sir, is certainly required by the
 ‘ importance of the present question; a question
 ‘ which cannot but influence the prosperity of the
 ‘ nation for many years. It is not necessary to
 ‘ remind any gentleman of the importance of our
 ‘ trade, of the power of the enemy against whom
 ‘ we have declar’d war in defence of it, or of the
 ‘ necessity of shewing the world that our declara-
 ‘ tions of war are not empty noises, or farces of
 ‘ resent-

Sir Robert Walpole's
speech.

' resentment. But it may be proper, Sir, to re-
 ' mark, that this is not the only enemy, nor the
 ' most powerful, whose attempts we have reason
 ' to provide against, and who may oblige us to
 ' exert our whole power, and practise every ex-
 ' pedient to increase our forces. The war has
 ' been hitherto prosecuted with the utmost vigour,
 ' with all the attention that its importance re-
 ' quires, and with success not disproportioned to
 ' our preparations; nor will it ever be suffered to
 ' languish, if the powers necessary for carrying it
 ' on are not denied. Nothing is more evident,
 ' Sir, than that the natural power of the nation
 ' consists in its fleets, which are now, by the care
 ' of the government, so numerous, that the uni-
 ' ted power of many nations cannot equal them.
 ' But what are fleets unfurnished with men? How
 ' will they maintain the dominion of the sea, by
 ' lying unactive in our harbours? That no me-
 ' thods hitherto used have been sufficient to man-
 ' our navies, and that our preparations have there-
 ' fore been little more than an expensive shew of
 ' war, the whole nation is sufficiently inform'd;
 ' it is therefore not doubtful that some new mea-
 ' sures must be taken; whether any better can be
 ' suggested than are offered in this bill, must be
 ' inquired.

' With regard, Sir, to the clause now under our
 ' consideration, it is to be remembered, that little
 ' more is proposed by it than to add the sanction
 ' of legality to a power which has long been exer-
 ' cised by the Admiralty, without any other au-
 ' thority than that of long prescription, the power
 ' of issuing warrants of impress upon emergent
 ' occasions, by which sailors are forced into the
 ' publick service. This power, in its present
 ' state, must be allow'd to have no foundation in
 ' any law, and, by consequence, to be unlimited,
 ' arbitrary, and easily abused, and upon the
 ' whole,

‘ whole, to be justifiable only by necessity : But
‘ that necessity is so frequent, that it is often ex-
‘ ercised, and therefore ought to be regulated by
‘ the legislature ; and by making such regulations,
‘ we may rather be said to remove than introduce
‘ a grievance. The power of searching for fail-
‘ lurs, however it has been represented, is far
‘ from setting them on a level with felons, mur-
‘ derers, or vagabonds ; or indeed from distin-
‘ guishing them, to their disadvantage, from the
‘ rest of the community, of which every indivi-
‘ dual is obliged to support the government.
‘ Those that possess estates, or carry on trades,
‘ transfer part of their property to the publick ;
‘ and these ought, by parity of reason, to serve
‘ the publick in person, that have no property to
‘ transfer. Every man is secured by the consti-
‘ tution in the enjoyment of his life, his liber-
‘ ty, or his fortune ; and therefore every man
‘ ought reciprocally to defend the constitution to
‘ which he is himself indebted for safety and
‘ protection. I am therefore, Sir, unable to dis-
‘ cover in what consists the hardship of a law by
‘ which no new duties are enjoined, nor any thing
‘ required, which is not already every man’s
‘ duty. Every man, indeed, who is desirous of
‘ evading the performance of any of the duties of
‘ society, will consider every compulsion as a
‘ hardship, by which he is obliged to contribute
‘ to the general happiness ; but his murmurs
‘ will prove nothing but his own folly and ingra-
‘ titude, and will certainly deserve no regard
‘ from the legislative power.

‘ There is in the bill before us, Sir, encou-
‘ ragement sufficient for volunteers, and an offer
‘ of greater rewards than some gentlemen think
‘ consistent with the present state of the national
‘ revenues ; and what remains to be done with
‘ respect to those who are deaf to all invitations,
‘ and

‘ and blind to all offers of advantage? Are they
‘ to sit at ease only because they are idle, or to
‘ be distinguished with indulgence only, for want
‘ of deserving it? It seems generally granted,
‘ Sir, that such drones are the proper objects of
‘ an impress. Let us then suppose, that every
‘ man who is willing to serve his country, has
‘ laid hold of the reward proposed, and enter’d
‘ a volunteer. The fleets are not yet sufficiently
‘ mann’d, and more sailors must be procur’d.
‘ Warrants are issued out in the common form.
‘ The negligent, the imprudent, the necessitous
‘ are taken. The vigilant, the cunning, and
‘ those that have more money find shelter, and
‘ escape. Can it be said, that those, whose cir-
‘ cumstances, or good fortune, enable them to
‘ secure themselves from the officers of the im-
‘ press, deserve any exemption from the publick
‘ service, or from the hardships to which their
‘ companions are expos’d? Have they discharged
‘ their debt of gratitude to the publick so effec-
‘ tually by running away from its service, that no
‘ search ought to be made after them? It seems
‘ evident, that if it was right to seize the one, it
‘ is likewise right to pursue the other; and if
‘ it be right to pursue him, it is likewise right to
‘ hinder him from escaping the pursuers. It is
‘ then right to vest some persons with the power
‘ of apprehending him, and in whom is that
‘ power to be lodg’d, but in the civil magistrate?
‘ Every man, Sir, is oblig’d by compulsive me-
‘ thods to serve his country, if he can be pre-
‘ vailed upon by no other. If any man shall re-
‘ fuse to pay his rates, or his taxes, will not his
‘ goods be seized by force, and sold before his
‘ face? If any particular methods are propos’d
‘ for obliging seamen to contribute to the publick
‘ safety, it is only because their service is necessa-
‘ ry upon more pressing occasions than that of
‘ others;

others; upon occasions which do not admit of delay, without the hazard of the whole community.

I must confess, Sir, there are instances in which the hardships of the seafaring part of the nation are peculiar, and truly calamitous. A sailor, after the dangers and toils of a long voyage, when he is now in the sight of the port, where he hopes to enjoy that quiet which he has deserved by so long a series of fatigues, to repair the injuries which his health has suffered, by change of climate, and the diet of the ships, and to recover that strength which incessant vigilance has worn away; when he is in expectation of being received by his family with those caresses, which the succours that he brings them naturally produce, and designs to rest a while from danger, and from care; in the midst of these pleasing views, he is on the sudden seized by an impress, and forced into a repetition of all his miseries, without any interval of refreshment. Let no man who can think without compassion on such a scene as this, boast his zeal for freedom, his regard for bravery, or his gratitude to those who contribute to the wealth and power of their country; let every man who declares himself touched with the pity which the slightest reflexion upon such a disappointment must naturally produce, sincerely endeavour to obviate the necessity of such oppressive measures, which may at least in part be prevented, by assigning to magistrates the power of hunting out of their retreats, those who neglect the business of their callings, and linger at once in laziness and want. There are great numbers who retire not from weariness, but idleness, or an unreasonable prepossession against the publick service; and surely nothing is more unreasonable, than that bad dis-

‘ positions should be gratified, and that industry
‘ should expose any man to penalties.

‘ Upon the whole, Sir, I am not able to disco-
‘ ver, that any man should be exempted from an
‘ impress merely because he finds means to escape
‘ it, or because idleness or disinclination to the
‘ publick service prompts him to abscond. If
‘ any men deserve indulgence, in opposition to
‘ the demands of the publick, they are rather
‘ those who have already in some degree dis-
‘ charged their duty to it, by contributing to
‘ bring in that wealth which is the consequence
‘ of a prosperous and well-regulated commerce,
‘ and without which war cannot be supported.
‘ It is not without grief and regret, that I am
‘ obliged to represent, on this occasion, the ob-
‘ structions which the war has suffered from those
‘ at whose request it was undertaken; and to de-
‘ clare, that the conduct of the merchants has
‘ afforded proof, that some law of this tendency
‘ is absolutely necessary. The merchants, Sir,
‘ who have so loudly complained of the decline
‘ of trade, the interruption of navigation, and
‘ the insolence, rapacity, and cruelty of the *Span-*
‘ *niards*; the merchants who filled the nation
‘ with representations of their hardships, discour-
‘agements, and miseries, and lamented in the
‘ most publick manner, that they were the only
‘ body for whom the legislature had no regard,
‘ who were abandoned to the caprice of other
‘ nations, were plundered abroad, and neglected
‘ at home: The merchants, after having at length
‘ by their importunities ingaged the state in a
‘ war, of which they have themselves certainly
‘ not the least pretensions to question either the
‘ justice or necessity, now, when by the natural
‘ consequences of a naval armament, sailors be-
‘ come less numerous, and ships more difficult to
‘ be equipp’d, contract in private with such sailors

' as they are inclin'd to employ, and conceal
 ' them in garrets hired for that purpose, till the
 ' freight is ready, or the danger of an impress is
 ' past, and thus secure their own private affairs at
 ' the hazard of the publick, and hinder the operations of a war, which they, and they only, solicited. The danger of having other enemies than the *Spaniards*; enemies, Sir, more active, more powerful, and more ambitious, has already been mentioned; a danger so near, and so formidable, that he will not be thought very solicitous for his country, whom the bare mention of it does not alarm. This danger we are therefore to obviate by vigorous preparations, and unanimous resolutions; nor do I doubt but both our enemies, if they find us united, will repent of attacking us. Sir, the most efficacious method of manning our fleets, which law or custom has yet put into our hands, is that of suspending our commerce by an embargo, and yet the whole nation knows how much, and by what means it has been eluded; no sooner was it known that an embargo was laid, than the sailors flew away into the country, or hid themselves in corners of this great city, as from the most formidable danger; and no sooner did the embargo cease, than the banks of the river were again crouded with sailors, and all the trading vessels were immediately supplied. As I cannot doubt, Sir, that every gentleman is equally zealous for the success of the war, and the prosperity of his country; and as the insufficiency of the present methods of providing for them is apparent, I hope that either the regulations proposed by this bill, to which I see no important objections, or some other of equal use will be established by a general concurrence.'

The Lord *Baltimore* spoke next.

Lord Baltimore's speech

' Tho' no gentleman in this assembly, Sir, can more ardently wish the success of the *British* arms, or shall more willingly concur in any measure that may promote it, yet I cannot agree to the clause now under our consideration. I disapprove it both from moral and political motives, I disapprove it as neither just nor prudent. The injustice of so flagrant an invasion of the liberty of particular men has been already exposed; nor is it, in my opinion, less easy to discover the imprudence of exhausting all our supplies at once, and sweeping away all our sailors, to supply a single exigency. It has often been remark'd, Sir, in favour of a standing army, that it is requisite to have a number of regular forces, who, tho' too weak to oppose an invasion, might be able to establish discipline in a larger body; an observation which may, with much greater justness, be applied to the seamen, whose art is much more difficult to be attained, and who are equally necessary in war and peace. If our stock of seamen, Sir, be destroy'd, if there is not left in our trading vessels, a sufficient number of experienc'd artists to initiate novices, and propagate the profession, not only our ships of war must lie useless, but our commerce sink to nothing. Nor have I reason to believe the naval power of *France* so formidable, as that we ought to be terrify'd, by the apprehensions of it, into any extraordinary methods of procedure. I am inform'd that they have now very few ships of force left in their harbours; and that they have exerted their whole strength in the fleet in *America*. I am not therefore, Sir, for providing against present dangers, without regard to our future security; and think nothing more

worthy

‘ worthy of the consideration of this assembly,
 ‘ than the means of encouraging and increasing
 ‘ our seamen, which will not be effected by the
 ‘ bill before us. Land forces may be hired upon
 ‘ emergencies; but sailors are our own peculiar
 ‘ strength, and the growth of our own soil: We
 ‘ are therefore above all other regards to attend,
 ‘ if I may use the term, to the preservation of
 ‘ the species.’

Robert Vyner, Esq; next spoke.

‘ Mr. Chairman,

‘ As there can be no stronger objection to any Mr. Vyner's
speech.
 ‘ law than ambiguity, or indeterminate latitude
 ‘ of meaning, I think it necessary to propose,
 ‘ that some word of known and limited import
 ‘ be substituted in the place of seafaring-men; an
 ‘ expression which, if I was ask'd the meaning
 ‘ of it, I should find it difficult to explain. Are
 ‘ seafaring-men those only who navigate in the
 ‘ sea? The term is then superfluous, for all such
 ‘ are evidently comprised in the word seamen.
 ‘ Are they bargemen or watermen who ply on
 ‘ rivers, and transport provision or commodities
 ‘ from one inland town to another? In that sense
 ‘ no body will affirm that it is a proper word;
 ‘ and impropriety in the expression of laws, pro-
 ‘ duces uncertainty in the execution of them.’

Then *Velters Cornewall, Esq;* rose up.

‘ Sir, The term seafaring-men, of which an Mr. Corne-
wall's
speech.
 ‘ explication is desired, is intended to include all
 ‘ those who live by conveying goods or passen-
 ‘ gers upon the water, whether the sea or inland
 ‘ rivers: Nor can we restrain it to a narrower
 ‘ sense, without exempting from the publick
 ‘ service great numbers, whose manner of life
 ‘ has qualified them for it, and from whom their
 ‘ country may with equal justice expect assist-
 ‘ ance,

‘ance, as from those who are engaged in foreign
‘traffick.’

Robert Vyner, Esq; replied.

*Mr. Vyner's
reply.*

‘Sir, I am far from concurring with the honourable gentleman in his opinion, that the inland watermen are by their profession in any degree qualified for sea service, or can properly be called seafaring-men. All qualifications for the service, must consist either in some knowledge of the arts of navigation, or in some familiarity with the dangers of the sea. With regard to any previous knowledge of naval business, it is well known that they have no advantage over any common labourer; for the manner of navigating a ship and a barge have for the most part nothing in common. Nor are these watermen, Sir, more able to stand firm in the terrors of the storm, or the noise of a battle, than those who follow any other occupation. Many of them never saw the sea, not have less dread of its danger than the other inhabitants of the inland counties. They are therefore neither seafaring-men, nor peculiarly capable of being made seamen. But the hardship upon particular men is not the strongest objection to this clause, which, by obstructing our inland navigation, may make our rivers useless, and set the whole trade of the nation at a stand. For who will bring up his son a waterman, who knows him expos'd by that profession to be impress'd for a seaman? It seems therefore necessary, Sir, either to omit the term * seafaring-men, or to explain it in such a manner that inland watermen may not be included.’

The Lord Gage spoke next.

*Lord Gage's
speech.*

‘Sir, So much has been urg'd against the compulsive methods propos'd in this clause, and so
‘little

* Agreed to be omitted,

‘ little produced in favour of them, that it may
 ‘ seem superfluous to add any thing, or to endea-
 ‘ vour, by a multiplicity of arguments, to prove
 ‘ what common reason must immediately disco-
 ‘ ver. But there is one consequence of this clause
 ‘ which has not yet been observed, and which is
 ‘ yet too important not to be obviated by a par-
 ‘ ticular proviso. It is well known, Sir, that
 ‘ many of those to whom this act will extend,
 ‘ are freeholders and voters for electing the re-
 ‘ presentatives of the nation; and it is there-
 ‘ fore apparent, that elections may be influenc’d
 ‘ by an ill-tim’d or partial execution of it. How
 ‘ easily will it be when an election approaches to
 ‘ raise a false alarm, to propose some secret ex-
 ‘ pedition, or threaten us with an invasion from
 ‘ some unknown country, and to seize on all the
 ‘ seafaring voters, whose affections are suspected,
 ‘ and confine them at *Spithead*, till the contest is
 ‘ over? I cannot, therefore, Sir, but think it
 ‘ necessary, that if this clause be suffered to pass,
 ‘ some part of its hateful consequences should
 ‘ be prevented by an exception in favour of free-
 ‘ holders and voters, which surely is no less than
 ‘ what every man owes to his own security, to
 ‘ the welfare of his country, and to those by
 ‘ whom he has been honour’d with the care of
 ‘ their liberties.’

Henry Pelham, Esq; then said as follows:

‘ Sir, I do not rise in opposition to the proposal
 ‘ made by that right honourable member, nor
 ‘ do I think this the proper time either for op-
 ‘ posing or approving it. Method is of the
 ‘ highest importance in inquiries like these; and
 ‘ if the order of the debate be interrupted by
 ‘ foreign questions or incidental objections, no
 ‘ man will be able to consider the clauses before
 ‘ us, with the attention necessary to his own satis-
 ‘ faction, or to the conviction of others; the

*Mr. Pel-
 bam's
 speech.*

' mind will be diffipated by a multiplicity of
 ' views, and nothing can follow but perplexity
 ' and confufion. The great end, for which we
 ' are now affembled, is to ftrike out methods of
 ' manning the fleet with expedition and certainty.
 ' It is therefore proper in the firft place to agree
 ' upon fome general meafures, to each of which
 ' there may undoubtedly be particular objections
 ' raifed, that may be afterwards removed by
 ' exceptions or provifions; but thefe provifions
 ' fhould, for the fake of order, be inserted in
 ' particular claufes, to be feparately confider'd.
 ' Of this kind is the exception now offer'd, to
 ' which I have no objection but its prefent im-
 ' propriety, and the interruption of the debate
 ' which it may now occafion; for I fee at prefent
 ' no reafon againft admitting it in a particular
 ' claufe. When it is confider'd how much the
 ' fuccefs of the war may depend upon the deter-
 ' minations of this day, and how much our fu-
 ' ture happinefs and fecurity may depend upon
 ' the fuccefs of our prefent undertakings, I
 ' hope my follicitude, for regularity and expedi-
 ' tion, will be eafily excus'd.

Sir *John Hynd Cotton* answer'd,

Sir *John*
Hynd Cotton's
 answer,

' I am not able, Sir, to difcover any immi-
 ' nent danger to the nation in fufpending our at-
 ' tention to the claufe before us for a few mo-
 ' ments; nor indeed do we ceafe to attend to it,
 ' while we are endeavouring to mollify it, and
 ' adapt it to our constitution. The exception
 ' propos'd is, in the opinion of the honourable
 ' gentleman, fo reasonable, that he declares him-
 ' felf ready to approve it in another place; and
 ' to me, no place feems more proper of its ma-
 ' king part of this bill than this. As a connec-
 ' tion between the claufe and exception appears
 ' neceffary and immediate, I cannot fee why it
 ' fhould

‘ should be postpon’d, unless it is hoped that it
 ‘ may be forgotten.’

William Pulteney, Esq; then spoke.

‘ Sir, That this exception should be forgotten Mr. Pulteney's speech.
 ‘ there is no danger; for how long soever it be
 ‘ delay’d, I will never agree to the act till I
 ‘ see it inserted. If we suffer the liberty of the
 ‘ freeholders to be infringed, what can we expect
 ‘ but to be charged with betraying our trust, and
 ‘ giving up to servitude and oppression those
 ‘ who deputed us to this assembly, as the guar-
 ‘ dians of their privileges, and the assertors of
 ‘ their birthright; a charge too just to be denied,
 ‘ and too atrocious to be borne! Sir, the right of
 ‘ a freeholder is independent on every other cir-
 ‘ cumstance, and is neither made more or less by
 ‘ wealth or poverty: The estate, however small,
 ‘ which gives a right of voting, ought to exempt
 ‘ the owner from every restraint that may hinder
 ‘ the exertion of his right; a right on which
 ‘ our constitution is founded, and which cannot
 ‘ be taken away without subverting our whole
 ‘ establishment. To overlook the distinctions
 ‘ which the fundamental laws of our country
 ‘ have made in respect to different orders of
 ‘ men, and to regard only the accidents of
 ‘ affluence and necessity, is surely unjust in itself,
 ‘ and unworthy of this assembly; an assembly,
 ‘ Sir, instituted principally to protect the weak
 ‘ against the strong, and deputed to represent
 ‘ those in a collective state, who are not consider-
 ‘ able enough to appear singly, and claim a
 ‘ voice in the legislature. To expose an honest,
 ‘ a laborious, and an useful man, to be seized by
 ‘ the hands of an insolent officer, and dragged
 ‘ from the enjoyment of his right, only because
 ‘ he will not violate his conscience, and add his
 ‘ voice to those of sycophants, dependants and
 ‘ profligate

' prostitutes, the slaves of power, the drudges of
 ' a court, and the hirelings of a faction, is the
 ' highest degree of injustice and cruelty. Let
 ' us rather, Sir, sweep away with an impress,
 ' the drones of large fortunes, the tyrants of
 ' villages, and the oppressors of the poor; let
 ' us oblige those to serve their country by force,
 ' whose fortunes have had no other effect than to
 ' make them insolent and worthless; but let
 ' such who by contributing to commerce, make
 ' every day some addition to the publick wealth,
 ' be left in the full enjoyment of the rights which
 ' they deserve: Let those by whose labour the
 ' expences of the war are furnished, be excused
 ' from contributing to it by personal service.
 ' If it is necessary, Sir, to have our laws estab-
 ' lished by the representatives of the people, it
 ' is necessary that those representatives should be
 ' freely elected; and therefore every law that
 ' obstructs the liberty of voters, is contrary to
 ' the fundamental laws of our constitution; and
 ' what multitudes may by this law be either hin-
 ' dred from giving their votes, or be terrified
 ' into such a choice, as by no means corresponds
 ' with their judgments or inclinations, it is easy
 ' to foresee. I am indeed of opinion, Sir, that
 ' this clause cannot be adapted to our constitu-
 ' tion, nor modified by any expedient into a
 ' law, which will not lay insupportable hardships
 ' upon the nation, and make way for absolute
 ' power. But as it is necessary that a constant
 ' supply of seamen should be provided, I think
 ' it not improper to observe, that there is one
 ' expedient yet remaining, by which, though it
 ' will not much assist us in our present exigence,
 ' the fleets of this nation may hereafter be con-
 ' stantly supported. We have at present great
 ' numbers of charity-schools established in this
 ' nation, where the children of the poor receive
 ' an

' an education disproportioned to their birth.
 ' This has often no other consequences than to
 ' make them unfit for their stations, by placing
 ' them in their own opinion above the drudgery
 ' of daily labour, a notion which is too much
 ' indulg'd, as idleness co-operating with vanity,
 ' can hardly fail to gain the ascendant, and which
 ' sometimes prompts them to support themselves
 ' by practices not only useless, but pernicious to
 ' society. This evil, Sir, cannot be better ob-
 ' viated, than by allotting a reasonable propor-
 ' tion out of every school to the service of the
 ' sea, in which by entering early they cannot
 ' fail to become proficient, and where their at-
 ' tainments, which at present too frequently pro-
 ' duce laziness and dishonesty, might enable
 ' them to excel, and intitle them to promo-
 ' tion.'

Thomas Winnington, Esq; replied.

' Sir, Notwithstanding the confidence with
 ' which some gentlemen have proposed this a-
 ' mendment, and the easiness with which others
 ' have consented to it, I declare without hesita-
 ' tion, that I oppose it now, and intend to oppose
 ' it whenever it shall be offered, because it will
 ' defeat all the other provisions which shall be
 ' made in the bill. I will venture to say, Sir,
 ' that if every man, who has, by whatever tenure,
 ' the right of voting, shall be exempted from the
 ' necessity of contributing to the publick safety by
 ' his personal service, every man qualified for the
 ' sea, will by some means acquire a vote. Sir, a
 ' very small part of those who give their votes in
 ' this nation for representatives in Parliament, en-
 ' joy that right as the appendage of a free-hold;
 ' to live in some towns, and to be born only in
 ' others, gives the unalienable privilege of voting.
 ' Any gentleman, to secure his own interest, or
 ' obstruct

Mr. Win-
nington's re-
ply.

‘obstruct the publick service, may, by dividing a
 ‘small piece of barren ground among a hundred
 ‘sailors, exalt them all to freeholders, and exempt
 ‘them from the influence of this law. How-
 ‘ever, Sir, I am not less a friend to the free-
 ‘holders than those who propose the exception in
 ‘their favour, but in my opinion the great interest
 ‘of the freeholders is the preservation of their
 ‘freeholds, which can only be secured by a vigor-
 ‘ous exertion of the power of the nation; in the
 ‘war which is now declared against the *Spaniards*.’

The Lord *Baltimore* spoke next.

Lord *Bal-*
timore's
 speech.

‘Sir, By the observations which I have oppor-
 ‘tunities of making at the place which I have the
 ‘honour to represent, I am convinc’d of the in-
 ‘fluence that this law will have upon all the bo-
 ‘roughs along the coasts. There most of the
 ‘voters are, in one sense or other, Sir, seafaring-
 ‘men, being almost all of them owners of vessels,
 ‘and in some degree acquainted with navigation;
 ‘they may therefore be hurried away at the choice
 ‘of an officious or oppressive magistrate, who
 ‘may by partiality and injustice obtain a majority,
 ‘contrary to the general inclination of the people,
 ‘and determine the election by his own authority.’

Sir *William Yonge* then said,

Sir *William*
Yonge's
 speech.

‘Sir, If every freeholder and voter is to be ex-
 ‘empted from the influence of the law, the bill
 ‘that we are with so much ardor endeavouring to
 ‘draw up and rectify, and of which the necessity
 ‘is so generally acknowledged, will be no other
 ‘than an empty sound; and a determination with-
 ‘out an object; for while we are impowering the
 ‘government to call seamen into the service, we
 ‘are exempting almost all that are able to serve
 ‘from the denomination of seamen: What is this
 ‘but to dispute without a subject? to raise with
 ‘one

' one hand and demolish with the other? In the
 ' western parts of the nation, Sir, where I reside,
 ' many who vote at elections claim their privilege
 ' by no other title than that of boiling a pot; a
 ' title which he who has it not, may easily obtain,
 ' when it will either gratify his laziness or his
 ' cowardice, and which, though not occasionally
 ' obtained, seems not sufficient to set any man out
 ' of the reach of a just and necessary law. It is
 ' therefore, Sir, undoubtedly requisite that the
 ' terms of the exception should be explicit and
 ' definitive, and that only those should be ex-
 ' empted who have such possessions or qualifica-
 ' tions as this assembly shall think a just title to
 ' exemption. For on the western coast, from
 ' whence great supplies may be expected, almost
 ' every sailor has a vote, to which nothing is there
 ' required, but to hire a lodging and boil a pot;
 ' after which, if this exception be admitted in all
 ' its latitude, he may sit at ease amidst the dis-
 ' tresses of his country, ridicule the law which he
 ' has eluded, and set the magistrate at open defi-
 ' ance.'

Sir Robert Walpole spoke next.

' As I think, Sir, some exception may be just Sir Robert
Walpole's
speech.
 ' and proper, so I suppose every gentleman will
 ' concur with me in rejecting one of such extent
 ' as shall leave no object for the operation of the
 ' law. It is in my opinion proper to restrain the
 ' exemption to those freeholders who are possess-
 ' of such an estate, as gives a vote for the repre-
 ' sentative of the county, by which those whose
 ' privilege arises from their property, will be se-
 ' cured, and it seems reasonable that those who
 ' have privileges without property, should pur-
 ' chase them by their services.'

John

John Browne, Esq; spoke next.

*Mr. Browne's
speech.*

‘ Sir, The exception proposed will not only defeat the end of the bill by leaving it few objects, but will obstruct the execution of it on proper occasions, and involve the magistrate in difficulties which will either intimidate him in the exertion of his authority, or if he persists in discharging his duty with firmness and spirit, will perhaps oblige him sometimes to repent of his fidelity. It is the necessary consequence, Sir, of a seaman’s profession, that he is often at a great distance from the place of his legal settlement, or patrimonial possessions; and he may therefore assert of his own circumstances what is most convenient without danger of detection. Distance is a security that prompts many men to falsehoods by which only vanity is gratified, and few men will tell truth in opposition to their interest, when they may lie without apprehension of being convicted. When therefore a magistrate receives directions to impress all the seamen within his district, how few will he find who will not declare themselves freeholders in some distant county, or freemen of some obscure borough. It is to no purpose, Sir, that the magistrate disbelieves what he cannot confute; and if in one instance in a hundred, he should be mistaken, and acting in consequence of his error, force a freeman into the service, what reparation may not be demanded? I therefore propose it to the consideration of the committee, whether any man ought to claim exemption from this law by a title, that may so readily be procur’d, or so safely usurped.’

The Attorney General spoke next.

*Mr. Attorney
General’s speech.*

‘ Sir, The practice of impressing, which has been declaimed against with such vehement exaggerations,

‘ aggerations, is not only founded on immemorial
 ‘ custom, which makes it part of the common
 ‘ law, but is likewise establish’d by our statutes;
 ‘ for I remember to have found it in the statutes
 ‘ of Queen *Mary*, and therefore cannot allow that
 ‘ it ought to be treated as illegal, and anti-consti-
 ‘ tutional. That it is not inconsistent with our
 ‘ constitution may be proved from the practice of
 ‘ erecting the royal standard, upon great emer-
 ‘ gencies, to which every man was obliged imme-
 ‘ diately to repair; this practice is as old as our
 ‘ constitution, and as it may be revived at plea-
 ‘ sure, may be properly mentioned as equivalent
 ‘ to an impress.’

Robert Vyner, Esq; answered.

‘ This word, Sir, which the learned member has Mr. Vyner’s
answer.
 ‘ by his wonderful diligence discover’d in the sta-
 ‘ tutes, may perhaps be there, but in a signification
 ‘ far different from that which it bears at present.
 ‘ The word was, without doubt, originally *French*,
 ‘ *pret*, and imply’d what is now expressed by the
 ‘ term *ready*; and to impress any man was in those
 ‘ days only to make him *ready* or engage him to
 ‘ hold himself in *readiness*, which was brought
 ‘ about not by compulsion, pursuit, and violence,
 ‘ but by the allurements of a pecuniary reward,
 ‘ or the obligation of some antient tenure.’

The committee being then put off to the 6th, Another up-
on the same
subject.
 a new debate happened that day upon the same
 subject, in which the Lord *Gage* was the first that
 spoke, whose speech was to the following effect.

‘ Mr. Chairman,

‘ Sir, I cannot sit in this place, and hear such Lord Gage’s
speech.
 ‘ a clause read, without declaring myself against
 ‘ it; because I think it absolutely inconsistent
 ‘ with the liberties of my country. An *English*-
 ‘ *men’s*

' *man's* house has always been said to be his castle.
 ' No man is to enter into it without his leave,
 ' unless there be a strong suspicion of his having
 ' been guilty of some very atrocious crime, and
 ' that suspicion declared upon oath by some wit-
 ' nesses of good credit. But by this clause, the
 ' house of every man in *England* is to be laid
 ' open, both by day and by night, to all the petty
 ' constables in his neighbourhood. If such a
 ' clause should pass into a law, can any man in
 ' *England* be said to be free? Can any man's pro-
 ' perty be said to be safe; especially when we
 ' consider the character of many of those who
 ' serve the office of constable for hire?

' This, Sir, would be of such dangerous con-
 ' sequence to the properties as well as the liber-
 ' ties of the subject, that no necessity can justify
 ' our passing such a law; and the only argument
 ' I have heard made use of in its favour, is ra-
 ' ther, in my opinion, an argument against it.
 ' When this bill was first brought in, we were
 ' told, as an argument for it, that there was such
 ' a law passed in the 5th year of *Queen Anne*; but
 ' as that law subsisted for a year only, and as it
 ' was neither continued nor revived, it is to me
 ' a convincing proof, that the law was found
 ' inconvenient and dangerous, or that it was
 ' found not to answer the purpose intended, and
 ' therefore I am against trying the expedient a
 ' second time.

Sir *Charles Wager* spoke next to the effect as follows, *viz.*

Sir *Charles*
Wager's
 speech.

' Sir, As it is hardly possible to contrive any
 ' law for the publick service, that may not seem
 ' inconvenient to private men; and as in such a
 ' numerous assembly, there must be a great va-
 ' riety of sentiments, I expected, when this bill
 ' was first brought in, to hear it opposed, especi-
 ' ally

ally by those gentlemen who happen at present to have no share in our administration, because they are not not sensible of the difficulties that are to be met with in providing for the publick service, even after the Parliament has granted the sums necessary for that purpose; to which I must add, that they are generally but too jealous of the liberties of the subject, which makes them take the alarm at every thing that looks like an extension of the powers of our government, however necessary that extension may be for the ease or safety of the people.

This, Sir, is the case at present. Every gentleman must grant, that his Majesty's navy ought to be manned; because without men it can be of no service to the nation; but as the law now stands, our government labours under insuperable difficulties in providing a sufficient number of seamen for the service of the navy. They have tried pressing: They have tried embargoes: They have tried every method the law admits of, without success; and I do not at all wonder at it; for when a seaman expects three pound a month in the merchants service, I do not wonder at his endeavouring to avoid being pressed into his Majesty's service, where he has but a little more than twenty Shillings. He does this by absconding and concealing himself, till he finds an opportunity for entering into the merchant service, and therefore those now employed in our government find it absolutely necessary for them to have a power to search for, and apprehend such seamen, either by day or by night, and to break open doors, if admittance should be denied to the civil officer.

This power, it is true, Sir, if it were to be made a bad use of, might, like all other powers,

' prove troublesome and inconvenient to the sub-
 ' ject; but whilst it is properly used, it can be
 ' inconvenient to none but those who conceal
 ' seamen in their houses, or at least to such as
 ' give suspicion of their doing so, which can ne-
 ' ver be the case of any man of rank or figure
 ' in the kingdom; and in modelling this clause,
 ' all possible care has, I think, been taken to pre-
 ' vent this power's being made an improper or
 ' bad use of; for the justices of peace, before
 ' they can order a search for seamen, must have
 ' an authority from the Admiralty, and after they
 ' have this authority, they are to issue their or-
 ' ders, not to a press-gang, or officer of the na-
 ' vy, but to the constables, who are always such
 ' as live in the neighbourhood, and being well
 ' known, might easily be prosecuted and punish-
 ' ed, should they any way misbehave in the exe-
 ' cution of their office.

' I cannot therefore, Sir, form to myself any
 ' apprehension, or imagine the least danger from
 ' our passing this clause into a law. A man's
 ' house will still be his castle: Should this clause
 ' pass into a law, no man's house could be forced
 ' open, unless he is guilty of a crime, or has by
 ' some misconduct given cause to suspect his being
 ' guilty. I say guilty of a crime, Sir; for, I
 ' think, it is a very great crime in any man to
 ' withdraw himself from the service of his coun-
 ' try, when the safety, perhaps the very being of
 ' his country depends upon his service; and there-
 ' fore I must think it a crime of a very heinous
 ' nature in those who conceal seamen so withdraw-
 ' ing from the service of the crown: The publick
 ' safety as much requires, and, in my opinion,
 ' they as much deserve to be exposed to the dan-
 ' ger of having their houses searched, or their
 ' doors forced open, as those that harbour thieves,
 ' or conceal stolen goods; and tho' the power of
 ' search-

‘ searching the houses of such criminals, or suspected criminals, and breaking open their doors in case of non-admittance, has been established for ages, yet it has never been found inconvenient to innocent men, or dangerous to the liberties of the subject.

‘ I believe, Sir, no gentleman will suppose, that those who were employed in our administration in the fifth year of the late Queen, had any designs against the liberties of their country. I believe, it will be generally admitted, they had as great a regard for both the liberties and properties of their fellow subjects, as any administration ever had, yet they contrived and got passed such a law as is now proposed. This shews, it was not then thought, that such a law would be of dangerous consequence to the properties, or an incroachment upon the liberties of the subject; and if that law was not continued or revived, it was not because of any inconvenience found in it, but because there was no occasion for continuing or reviving it. There can never be any occasion for such a law but at, or soon after the beginning of a war, or when we are engaged with an enemy possessed of a very great naval force; and as the naval power of *France* had been so much broke in the beginning of that war, that they durst never afterwards face us at sea, we had no occasion for continuing or reviving this law at any time after the year 1706.

‘ The case, Sir, may now be the same: If we pass the law now proposed, it will be of great and immediate service with regard to the manning of his Majesty’s navy; and if we should make it to subsist but for a year, there may probably be no occasion for continuing it; or if there should, we may continue it but from year to year, till the occasion we have for it

‘ ceases ; so that I can apprehend no danger from
 ‘ our passing it in the form it stands at present ;
 ‘ and as I can think of no other method for man-
 ‘ ning the ships we have now in commission, I
 ‘ must therefore be for the clause, and as it is ne-
 ‘ cessary at this immediate juncture, I hope it will
 ‘ be passed into a law.’

The next that spoke was *Sir John Barnard*,
 whose speech was in substance thus.

*Sir John
 Barnard's
 speech.*

‘ Sir, The nature and consequences of the
 ‘ clause now under our consideration, were so
 ‘ fully explained upon the second reading of this
 ‘ bill, that I should not have given you any trou-
 ‘ ble upon this occasion, but as several arguments
 ‘ were then thrown out, by way of answer to the
 ‘ objections I had made to the bill, to which I
 ‘ had not then an opportunity to make any reply:
 ‘ I shall now beg leave to shew the weakness of
 ‘ those arguments, and to inforce the objections I
 ‘ then made, which to me appear the stronger,
 ‘ the more I consider the nature of this bill, espe-
 ‘ cially when I compare it with the nature of our
 ‘ constitution, and consider the use that may be
 ‘ made of it by a minister, who resolves to have
 ‘ no justices of peace in any county, but such as
 ‘ will yield a blind obedience to his orders.

‘ We were told, Sir, that private interest must
 ‘ always give way to the publick ; that the man-
 ‘ ning of the royal navy is a publick concern of
 ‘ the greatest consequence, and that therefore
 ‘ every private interest must be sacrificed to it
 ‘ when it becomes absolutely necessary to do so.
 ‘ I would gladly ask these gentlemen, if they
 ‘ think the trade of the nation a publick concern ?
 ‘ What gentlemen may do who have lucrative
 ‘ posts or employments under the crown, I do
 ‘ not know ; but I am sure, if our landed gen-
 ‘ tlemen do not look upon trade as a publick in-
 ‘ terest,

‘ tereft, they will very soon find their private in-
‘ tereft very much diminished, and in some places
‘ almost intirely annihilated. It is from our
‘ trade, Sir, we have our riches, our power, our
‘ navy, and our seamen; and therefore, if we
‘ should lose our trade, either by neglect, or by
‘ subjecting it to insufferable hardships; we should
‘ have no occasion for such a law as is now pro-
‘ posed; for we should neither have seamen, nor
‘ ships to put seamen on board of. Our trade
‘ has already suffered very considerably by the
‘ methods we have taken for manning our navy,
‘ and by this bill you will put an end to the
‘ very breed of our seamen; for no man will go
‘ to sea, or breed himself up a sailor, when he
‘ considers, that by the laws of his country he
‘ thereby becomes liable to be pressed, whenever
‘ a minister shall take it in his head to fit out a
‘ squadron, either for shew or service, and that if
‘ he conceals himself, he is to be hunted after
‘ as if he were a common felon.

‘ Another argument made use of in favour
‘ of the bill was, that there are a great number
‘ of sailors lurking up and down the country,
‘ and that there are at least six thousand now
‘ employed in our coasting trade. As to the
‘ sailors that are lurking in the country, and un-
‘ willing to enter either into the merchant service,
‘ or the service of the navy, I wish they could be
‘ apprehended, if they cannot be tempted, by
‘ the reward offered by this bill, to enter into his
‘ Majesty’s service; but I do not believe there is
‘ any great number of them, and, I am sure,
‘ no gentleman of this house can with good rea-
‘ son affirm there is; for if he could, he must
‘ then know whereabouts they are to be met with,
‘ and in that case he would certainly give the go-
‘ vernment notice of it, to the end they might
‘ be apprehended, and sent on board the navy.

' That there are a great number of seamen lurking in the country, I therefore take to be a
 ' vague assertion, made use of in favour of this
 ' bill, without any solid foundation; and the
 ' other assertion of there being at least six thousand
 ' seamen employed in our coasting trade is,
 ' I am convinced, without the least foundation.
 ' I do not believe, Sir, there is a fourth part of
 ' the number, able-bodied, expert seamen, employed
 ' in our coasting trade; for besides the
 ' master, our coasting vessels seldom have above
 ' one or two such seamen on board, the rest of
 ' the crew being made up of old seamen above
 ' fifty-five years of age, young seamen under
 ' eighteen, apprentices to the master, and land-
 ' men that were never perhaps before at sea; and
 ' as no coasting vessel can safely venture to sea,
 ' without one or two able-bodied, expert seamen
 ' on board, beside the master, if you should
 ' take from them such as are now employed in
 ' that trade, you would put an intire stop to it
 ' at once, the consequences of which would soon
 ' become terrible, especially here at *London*, where
 ' the people are under a necessity of having a continual
 ' supply from almost every corner of the
 ' kingdom.

' I am therefore convinced, Sir, should this
 ' clause be passed into a law, that its authors and
 ' advocates would find themselves very much
 ' mistaken as to its effect. It might, perhaps,
 ' force some of our best seamen into foreign service,
 ' especially such as have been employed in
 ' the *East-India* trade, but I cannot think it would
 ' add any great number to the navy; and I am
 ' the more convinced of this, from what I have
 ' heard as to the effect of that bill which was
 ' passed into a law in the fifth of the late Queen,
 ' and which was of the same nature with this;
 ' for I have been informed, that by means of
 ' that

‘ that bill, they at that time got but a very
‘ small number of seamen, which was the true
‘ reason of its not having been continued. As
‘ that ministry had, I believe, as great a regard
‘ for the liberties and properties of their fellow
‘ subjects as any minister can have, this was with
‘ them a prevailing argument for not insisting up-
‘ on the law’s being continued ; but we are not
‘ to expect the like condescension from every
‘ minister ; and as it is much easier to prevent a
‘ bill’s being passed into a law, than to prevent
‘ the law’s being continued, I shall always be
‘ against trusting ministers, even with a temporary
‘ law, which I think dangerous to our constitu-
‘ tion, however plausible the pretences may be
‘ that are made use of in its favour. This, I
‘ say, shall always be my general resolution ; but
‘ upon the present occasion I have a particular
‘ reason for adhering to this resolution ; for when
‘ a law may serve for purposes that are not decla-
‘ red, as well as for those that are, and when it
‘ has by experience been found ineffectual for the
‘ declared purposes, I have, I think, reason to
‘ suspect, that the design of renewing it, is in
‘ order to turn it to those purposes that are not
‘ declared.

‘ As for the other argument made use of in fa-
‘ vour of this bill, which was that of our being
‘ at present under a necessity of passing some such
‘ bill, it will, from what I have said already,
‘ appear to be without any foundation ; for if
‘ the bill be ineffectual, if it has by experience
‘ been found to be ineffectual for the purposes
‘ declared to be intended by it, surely the nation
‘ can be under no necessity for having it passed
‘ into a law. I shall grant, that for other pur-
‘ poses which are not declared, which never will
‘ be declared, it would be very effectual. It
‘ might, if passed into a law, be made effectual

‘ for plaguing and harrassing those who should
 ‘ not shew complaisance enough to our justices of
 ‘ the peace, or to their superiors, our ministers;
 ‘ but if there be any amongst us that secretly in-
 ‘ tend to turn the law to such purposes, I am
 ‘ sure, every other gentleman in the house, as
 ‘ well as the nation in general, has great reason to
 ‘ prevent the bill’s being passed into a law.

‘ For my own part, Sir, I do not know what
 ‘ necessity we may be under at present; but this I
 ‘ know, that there are many degrees of necessity,
 ‘ and, I hope, we are not yet come to the last;
 ‘ for there are several other methods may be
 ‘ thought of, besides that now proposed. We
 ‘ may pass a bill for suspending the navigation
 ‘ act, and for encouraging foreign seamen to en-
 ‘ ter into our merchants or government’s service:
 ‘ We may receive a great number of landmen on
 ‘ board every ship of war; for it has always been
 ‘ admitted, that one third expert seamen is suffi-
 ‘ cient for navigating the ship, and landmen may
 ‘ in a few days be made as fit for fighting her, as
 ‘ if they were expert seamen. If this method
 ‘ were taken, our Admiralty might appoint pro-
 ‘ per persons to proportion the number of seamen
 ‘ and landmen on board each ship of war, which
 ‘ would be a great relief to the merchant service;
 ‘ and if from the beginning of this war, such
 ‘ a method had been followed, we should not now
 ‘ have been under any distress for want of seamen,
 ‘ nor would our trade have been brought under
 ‘ such difficulties, as it labours under at present.
 ‘ After such a long tract of peaceable times, and
 ‘ the many discouragements our seamen had met
 ‘ with at home, it might easily have been fore-
 ‘ seen, that there would be a great scarcity of
 ‘ seamen at the first breaking out of a war;
 ‘ and therefore the gentlemen of our Admiralty
 ‘ ought to have begun with taking all the able-
 ‘ bodied

‘ bodied landmen they could possibly engage to
‘ enter into his Majesty’s sea-service ; and at the
‘ same time they should have taken care, that
‘ no captain of a man of war should carry out
‘ a greater number of seamen, than was barely
‘ sufficient for navigating his ship, and that the
‘ best-seasoned seamen should be put on board
‘ those ships that were designed for the *West-*
‘ *Indies*.

‘ But instead of pursuing these measures, we
‘ have, almost in every step, pursued the direct
‘ contrary, by which we have brought ourselves
‘ under the necessity complained of ; and now to
‘ relieve us from this necessity, of the several
‘ methods that may be thought of, that alone is
‘ proposed, which tends most to increase the
‘ power of the minister, and is consequently of
‘ the most dangerous consequence to the liberties
‘ of the people. This, Sir, is a pretty extraor-
‘ dinary method of proceeding ; but I am no
‘ way surpris’d at it, because it is a method of
‘ proceeding, which of late years has been prac-
‘ tised upon several former occasions ; and there-
‘ fore I shall only observe, that the oftener we
‘ see it practised, the more suspicious we ought
‘ to be of those that practise it, the more we
‘ ought to be upon our guard against all addi-
‘ tions to the power of the crown, especially
‘ such as can serve only to enslave us.

‘ I shall grant, Sir, it is a very heinous crime
‘ in a man to withdraw himself from the pub-
‘ lick service, when he thinks his service may be
‘ of use to his country, and when it his turn to
‘ go upon that service ; but in this country
‘ there are two circumstances, which render a
‘ seaman’s absconding not altogether so criminal,
‘ as it would otherwise be. When a seaman is
‘ to enter, or to be pressed on board our navy,
‘ he is not sure whether he is to go to serve his
‘ country,

‘ country, or to be made a raree-shew of, either
 ‘ upon our own coast, or upon some foreign coast :
 ‘ This doubt hath arisen from our conduct for al-
 ‘ most twenty years past, and from the many use-
 ‘ less squadrons we have fitted out ; and whilst a
 ‘ seaman is in this doubt, I cannot think it any
 ‘ crime in him to withdraw himself from the pub-
 ‘ lick service. The other circumstance is, our
 ‘ custom of pressing seamen out of ships home-
 ‘ ward bound from a long voyage, and of turn-
 ‘ ing them over from one man of war to another,
 ‘ often without giving them a day to see their
 ‘ friends, or to refresh themselves ashore ; so that
 ‘ no care is, nor indeed has ever been taken, to
 ‘ give seamen their turn of service in the navy,
 ‘ which is a very reasonable excuse for our sea-
 ‘ mens absconding and withdrawing themselves
 ‘ from the publick service, and is a grievance,
 ‘ which some way or other ought to be remedied
 ‘ as soon as possible ; but surely this grievance
 ‘ may be removed without putting it in the power
 ‘ of a petty constable to harrafs and oppress the
 ‘ best gentleman, or even the greatest Lord in his
 ‘ neighbourhood ; which would be the case, if
 ‘ this clause should pass into a law, as will appear
 ‘ to every gentleman, who impartially considers
 ‘ the words of the clause.

‘ The justices of peace, it is true, Sir, must
 ‘ have an authority from the Admiralty, before
 ‘ they can issue their orders for a general search
 ‘ for seamen, and the constables must have their
 ‘ orders from the justices, before they can go up-
 ‘ on that search ; but those orders are not to spe-
 ‘ cify the houses they are to search : The orders
 ‘ are to be general ; and when a petty constable is
 ‘ provided with such a general order, and a pres-
 ‘ gang proper for his purpose, whatever it may
 ‘ be, may not he insist upon searching the house
 ‘ of any gentleman, or any nobleman in the
 ‘ neighbour-

‘ neighbourhood? May not he break open the
 ‘ gates and the doors of the house, if the ser-
 ‘ vants should refuse to give him admittance upon
 ‘ the first word of command? This, Sir, is such
 ‘ an unlimited power, and is lodged in a person
 ‘ of such a low character, that I am surprised
 ‘ how it could enter into any minister’s head to
 ‘ think, that a *British* Parliament would approve
 ‘ of it. I am sure, I shall most heartily give it
 ‘ my negative, and I hope, even the gentlemen
 ‘ who brought in the bill, will agree to leave out
 ‘ this clause, when they consider seriously the
 ‘ consequences it may be attended with.’

Upon this Sir *William Yonge* stood up, and
 spoke to this effect.

‘ Sir, By the complaints within doors, and the Sir William
 Yonge’s
 speech.
 ‘ clamours without, it would seem as if people
 ‘ thought, that war might be carried on without
 ‘ exposing our trade to the least inconvenience or
 ‘ danger, which every considerate and impartial
 ‘ man must allow to be impossible. That of
 ‘ drawing a great number of seamen out of the
 ‘ merchant service, and consequently raising sea-
 ‘ mens wages in that service, is one of those in-
 ‘ conveniencies, that cannot be avoided at the be-
 ‘ ginning of a war, especially after a long tract of
 ‘ peaceable times; and as those intrusted with the
 ‘ administration of our publick affairs cannot en-
 ‘ gage seamen to enter into the King’s service by
 ‘ increasing their wages, they must have recourse
 ‘ to pressing, in which no regular method can be
 ‘ observed; for when the service requires it, they
 ‘ must press all they can find, without regard to
 ‘ their having been for a long or a short time at
 ‘ sea, before their being pressed into the King’s
 ‘ service.

‘ The

‘ The only two methods I have ever heard of
 ‘ for preventing these inconveniencies, are, to
 ‘ keep a great number of seamen, even in time
 ‘ of peace, in continual pay, and to have a ge-
 ‘ neral register for our seamen. If we had kept
 ‘ twenty or thirty thousand seamen in continual
 ‘ pay and continual service, during the many
 ‘ years we have been in profound peace, we
 ‘ should now have had no occasion to draw any
 ‘ great number away from our trade; but this
 ‘ would have, seven years ago, been exclaimed
 ‘ against, as putting the nation to an expence
 ‘ that was both unnecessary and dangerous: And
 ‘ if we had yearly fitted and sent out a powerful
 ‘ squadron, for no other reason but to exercise
 ‘ our seamen, and prevent their forgetting their
 ‘ trade, it would have been ridiculed, and called
 ‘ making a raree-shew of our squadrons and sea-
 ‘ men.

‘ Then, Sir, as to a register for seamen, it is
 ‘ certain, that if the government had an account
 ‘ of all the seamen in the *British* dominions, and
 ‘ could call upon such of them as they pleased,
 ‘ to come in and serve on board the royal navy,
 ‘ the Admiralty would never have occasion to
 ‘ issue any press warrants, nor to force any sea-
 ‘ man to serve out of his turn, or longer than
 ‘ his turn. There would then be no occasion to
 ‘ press men out of a merchant-ship just returned
 ‘ from a long voyage, nor for turning over a crew
 ‘ from one man of war to another. But this of
 ‘ a register too, we are told, would be dangerous
 ‘ to our constitution, and would make slaves of our
 ‘ seamen. Thus, Sir, some gentlemen are daily
 ‘ complaining of the hardships to which our trade
 ‘ and our seamen are exposed, and yet they will
 ‘ neither propose, nor agree to any of the methods
 ‘ that are proposed for preventing its being neces-
 ‘ sary to subject our trade and our seamen to those
 ‘ hard-

‘ hardships. To defend our own coasts in time
‘ of war, we must have squadrons at sea, or ready
‘ to put to sea; to protect our trade, we must
‘ have a great number of cruisers and convoys at
‘ sea; to attack or annoy the enemy, we must
‘ send powerful squadrons upon their coasts. If
‘ any of these services were neglected, those that
‘ are not in our government would exclaim against
‘ those that are, and they would have reason to
‘ exclaim; when those that are in our govern-
‘ ment make use of the only means they have in
‘ their power for supplying those services, the
‘ gentlemen that happen not to be concerned in
‘ our government complain of their conduct, and
‘ say, they unnecessarily harass our trade and
‘ oppress our seamen; and when those that are
‘ in our government propose the establishing of
‘ other methods for supplying those services,
‘ those that are not in our government take the
‘ alarm and say, they are going to overturn our
‘ constitution.

‘ These, Sir, are the circumstances we now
‘ seem to be in: These are the circumstances we
‘ have been long in; and whilst we are in these
‘ circumstances, we can never expect to be easy
‘ at home, or to make a figure abroad; there-
‘ fore, I wish, gentlemen would lay aside their
‘ jealousies and fears, and concur heartily and
‘ sincerely in all measures that seem to be neces-
‘ sary for enabling us to act with vigour in our
‘ national capacity. Every man desires to have
‘ the publick service performed: Every man de-
‘ sires to have the publick wants supplied; but
‘ few are willing to contribute their due share
‘ either of labour or expence: The government
‘ must be invested with such powers as are neces-
‘ sary for compelling those that are unwilling:
‘ If it is not, you can never expect to act with
‘ vigour in time of war, nor to be at quiet in
‘ time

' time of peace. You ought not therefore to be
 ' jealous of giving such powers to your govern-
 ' ment: You ought only to be watchful lest any
 ' of those powers should be made a bad use of;
 ' and whilst our judges below do their duty, no
 ' power granted by Parliament can be made a
 ' bad or an oppressive use of with impunity.
 ' When there is a legal remedy, the injured will
 ' certainly take advantage of it, and if there
 ' should be no legal remedy, if the criminal
 ' should be too high or too cunning for our judges
 ' to reach him, the Parliament may come in aid,
 ' and will always be able to give the injured sub-
 ' ject a sufficient redress, against the highest or
 ' most cunning oppressor.

' For this reason, Sir, I cannot think, there is
 ' any danger, that the constables who are to ex-
 ' ecute the powers proposed to be established by
 ' this clause, will ever make a bad use of them,
 ' or search any house without some reasonable
 ' suspicion of seamens being kept concealed in
 ' it; but if it should be thought, that an unli-
 ' mited power in this respect is too great to be
 ' lodged either in the justices of the peace, or in
 ' their under officers the constables, you may re-
 ' strain their power by an amendment to the
 ' clause: You may amend it so as that neither
 ' the justices nor the constables can search any
 ' house without an affidavit, that some abscond-
 ' ing seamen are supposed to be concealed in the
 ' house. This, I think, will obviate all the ob-
 ' jections that have been made to the clause, as
 ' it now stands; and the establishing of such a
 ' law may very probably put an end, in a short
 ' time, both to pressing and searching; for if it
 ' were once made impossible for seamen to avoid
 ' being pressed by absconding, and such a re-
 ' ward offered as is by this bill proposed, to all
 ' such as should enter themselves voluntarily into

‘ his Majesty’s service, every seaman in the king-
‘ dom would, upon the first proclamation, volun-
‘ tarily offer himself, in order to be intituled to the
‘ reward, if he were accepted of, or to a protec-
‘ tion if he were not. By this means our govern-
‘ ment would always have plenty and choice of
‘ seamen at its command, which would put an end
‘ to pressing as well as searching; and the com-
‘ missioners of our Admiralty would then have it
‘ in their power to give every seamen his turn of
‘ service in the navy: They would then have no
‘ occasion to force any man out of his turn, nor
‘ to desire him to continue longer in the navy
‘ than his turn; and consequently they could
‘ never be under a necessity to press seamen out
‘ of a merchant-ship homeward bound from a
‘ long voyage, nor to turn a crew over from one
‘ man of war to another.

‘ I am therefore, Sir, surpris’d to hear it said,
‘ that this law would bring our seamen into any
‘ sort of slavery, or under the least inconvenience;
‘ for, in my opinion, it would have a quite con-
‘ trary effect: It would relieve them from all the
‘ hardships they now labour under, by making
‘ it unnecessary for our government to force any
‘ of them into his Majesty’s service, or to keep
‘ them there, out of their turn; and if we should
‘ even in time of peace keep in continual pay
‘ but half as many seamen as we can probably
‘ have use for in time of war, which, now we
‘ have seen the inconvenience of not doing so,
‘ will, I hope, be resolv’d on, when peace is
‘ restored, we could then carry on any future war,
‘ without drawing such a number of seamen from
‘ the merchant-service as might any way embar-
‘ rass our trade; for I shall grant, that a certain
‘ number of landmen, in proportion to the num-
‘ ber of seamen, may be taken on board every
‘ ship of war; but I am far from thinking that
‘ the

‘ the proportion of landmen should be so great
‘ as two thirds. A few landmen may, ’tis true,
‘ assist in fighting the ship; but from all I could
‘ ever learn, and I have been curious in this par-
‘ ticular, an expert seaman, is better even for
‘ fighting the ship than the best trained landman
‘ you can put on board; and it is to the great
‘ number of seamen, we usually have on board
‘ our ships of war, that our ships are superior to
‘ any foreign ships of the same rate. Our neigh-
‘ bours generally put more men on board their
‘ ships than we do, but as most of their men are
‘ landmen, and as most of ours are seamen, we
‘ work our ships and manage our guns more dex-
‘ terously than they do, which always gives us
‘ the advantage in an engagement; and tho’
‘ their landmen are often trained soldiers, yet it
‘ is generally found, we do more execution even
‘ with our small arms than they can.

‘ I therefore hope, Sir, we shall always here-
‘ after put ourselves to a little extraordinary ex-
‘ pence in time of peace, rather than give up
‘ this superiority which has often been of great
‘ benefit to us, and from which we have reaped
‘ so much glory; and as we had not done so du-
‘ ring the last peace, and was therefore in great
‘ want of seamen at the beginning of the war,
‘ I must think, it was better to distress our trade
‘ a little, rather than expose our ships to be
‘ taken, and our naval reputation to be lost, by
‘ putting too many landmen on board any of our
‘ ships of war, especially those sent to the *West-*
‘ *Indies*. The climate in that country is known
‘ to be so obnoxious to our landmen, and our
‘ ships are so far distant from any fresh supply,
‘ that we could not venture to put any number
‘ of landmen on board; and it is to this chiefly
‘ that we ought to impute the present great scar-
‘ city of seamen; for in that part of the world

‘ we

we have now above 20,000 seamen in his Majesty's service, besides the great numbers that are gone thither to serve on board privateers. We could not at the beginning put any proportion of landmen on board the ships designed for that service, and much less can we do it now; and with regard to the ships at home which are now in commission, I believe, we must content ourselves with having one third expert seamen on board each of them, and must therefore proportion our seamen among them as well as we can.

This, Sir, is a necessity we are drove to, which, I must say, I am sorry for, because I think it a dangerous necessity; for how soon we may be obliged to send a great number of the ships to sea, no one can tell. I do not pretend to be let into any secrets of state, or any of the secret intelligence we have from abroad; but I may take notice of what I have lately seen in a news-paper, which said, that twelve *French* men of war from *Brest* were to join the *Spanish* squadron now sitting out at *Cadiz*. If this be true, we must immediately send out a very powerful squadron, to observe the motions of these united squadrons, and if our squadron should find it necessary to engage, I am afraid, our ships, with two thirds landmen that had never been at sea before, would not make such a figure in an engagement, as they have formerly been used to do: If our squadron should be defeated, and several of our ships lost, those who are now complaining of our not having taken landmen on board, would then, perhaps, change their note, and complain as heavily of our having tarnished our glory, lost our ships, and exposed the nation to be invaded, by taking too many landmen on board, and that we had done better to put a stop to our trade for a

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‘ month or two, than to have exposed ourselves
 ‘ to such disgrace, such loss, and such danger.

‘ The gentlemen who have the honour of be-
 ‘ ing at the head of our Admiralty are, therefore,
 ‘ in the right, Sir, to try all expedients rather
 ‘ than expose themselves to such complaints:
 ‘ The expedient now proposed they cannot try
 ‘ without the authority of Parliament: If that
 ‘ authority be refused, now they have asked it,
 ‘ they will in so far be justified, let the conse-
 ‘ quences be what they will. Whether this ex-
 ‘ pedient would be effectual no man can tell,
 ‘ because it is impossible to know what numbers
 ‘ of seamen are now lurking up and down the
 ‘ country, or what numbers of able-bodied, expert
 ‘ seamen are now employed in our coasting trade.
 ‘ As to the former, we have reason to believe,
 ‘ that there are great numbers of them, because
 ‘ no merchant-ship is ever at a loss for seamen, if
 ‘ she can but get a protection: Those called the
 ‘ crimps know where the seamen may be sent to,
 ‘ and when the master of a trading vessel wants
 ‘ such a number, they are ready at a call; but
 ‘ their crimps take care not to let the government
 ‘ or any press-gang know where they are to be
 ‘ met with.

‘ Then, Sir, as to the number of able-bodied,
 ‘ expert seamen now employed in the coasting
 ‘ trade, tho’ I believe it to be much greater than
 ‘ the honourable gentleman represents, yet I am
 ‘ convinced, it is not near so great as usual in
 ‘ time of peace, not because there are not many
 ‘ such seamen now in the kingdom, but because
 ‘ most of those that are fit for his Majesty’s ser-
 ‘ vice, and consequently liable to be pressed,
 ‘ now refuse to be employed at sea, and have re-
 ‘ tired up into the country, where they live by
 ‘ some employment at land, or upon the credit
 ‘ they have from their crimps or their old masters,

‘ who know they can reimburse themselves with
 ‘ good interest out of the first wages the seaman
 ‘ receives, when a safe opportunity offers, for his
 ‘ being employed at the present high wages in
 ‘ the coasting trade or merchant service.

‘ For these reasons, Sir, I believe the expedi-
 ‘ ent now proposed would have a very great ef-
 ‘ fect, towards relieving us from our present dis-
 ‘ tress; and as I cannot think the clause, with
 ‘ the amendment I have proposed, could have
 ‘ any bad consequence, I shall therefore be for its
 ‘ being passed into a law.’

Giles Earle, Esq; stood up next, and made a
 short speech to the effect as follows, *viz.*

‘ Sir, When I look round me, I am surpris’d Mr. Earle’s
speech.
 ‘ to find this bill meet with so much opposition.
 ‘ I believe, we are all true born *Englishmen*, I
 ‘ should have said true *Britons*, in this house;
 ‘ and therefore I hope the bill will at last meet
 ‘ with a very general approbation; for if there
 ‘ were a *Frenchman* or a *Spaniard* amongst us,
 ‘ I am persuaded he would be against the bill,
 ‘ especially the clause now under our considera-
 ‘ tion. He would frighten us with slavery, and
 ‘ I do not know what, in order to prevent our
 ‘ agreeing to such a necessary and useful regula-
 ‘ tion. This, I am persuaded, would be the
 ‘ case, had we any such men amongst us; and
 ‘ this of itself is with me a sufficient reason for
 ‘ agreeing to what is proposed.’

He was answer’d by *Thomas Carew*, Esq; the
 purport of whose speech was thus:

‘ Sir, I little suspected that the opposers of this Mr. Carew’s
speech.
 ‘ clause should be accused of being *Frenchmen*
 ‘ or *Spaniards*. It is because I am neither a
 ‘ *Frenchman* or *Spaniard*, nor a professed or secret
 ‘ friend

' friend to either that I am against this clause. I
 ' am a true born *Englishman*, and as such I have
 ' a sincere regard for the liberties and properties
 ' of my countrymen; therefore I must be against
 ' a clause which will render both precarious. I
 ' hope, I shall always be against such expedients,
 ' even tho' I should thereby sacrifice some private
 ' interest or view of my own. If we had
 ' a *Frenchman* or *Spaniard* amongst us, that understood
 ' any thing of trade and navigation, I am
 ' convinced, he would be a hearty advocate for
 ' this regulation: At least I should have a very
 ' bad opinion, either of his judgment and foresight,
 ' or of his attachment to his native country, if he were not. If a *Spaniard*
 ' of good understanding were amongst us, he would certainly
 ' be for the clause, because it would force
 ' many of our seamen into the service of
 ' *Spain*. If Cardinal *Fleuri* were a member of
 ' this house, I am sure he would be for it; because
 ' he would foresee, that in a short time it
 ' would give his country a superiority over us at
 ' sea, by forcing most of the seamen we now
 ' have into foreign service, and preventing any
 ' *Englishman's* breeding himself to the sea for
 ' the future. But, I hope, the Cardinal has no
 ' influence over any member, far less over a majority
 ' of this house, and therefore I hope to see
 ' the clause rejected with disdain.

' If we are now under any distress, Sir, for
 ' want of seamen, we have brought it upon ourselves,
 ' by not encouraging landmen to enter into his Majesty's
 ' sea service at the beginning of the war, by refusing
 ' many that were offer'd, and by raising marching
 ' regiments, under the specious name of marines,
 ' before we had half manned our navy. At the
 ' beginning of the war we could not so much as
 ' apprehend, that either the *Spaniards* or the *French*
 ' would in a twelve month's

‘ month’s time be in a condition to face our
‘ squadrons any where at sea; we might there-
‘ fore have taken as many landmen as we plea-
‘ sed, on board our navy, at the beginning of the
‘ war, because in a twelve month’s time many of
‘ them would have become expert seamen, and
‘ all would have become fit for some sort of
‘ service on board our men of war. It is a mis-
‘ take to suppose, that the sea climate in the
‘ *West-Indies* is very obnoxious to our landmen,
‘ if they are kept in action and exercise: But
‘ when our ships are kept loitering in one sta-
‘ tion, with instructions not to attempt any thing
‘ against the enemy, as they were at the *Basti-*
‘ *mento’s* in that case, I shall grant the *West-In-*
‘ *dian* climate would be obnoxious, any climate
‘ would be obnoxious, to men kept confined
‘ on board a ship in such an idle, spiritless
‘ and vexatious situation; and it would be ob-
‘ noxious to our seamen as well as landmen, as
‘ we found by fatal experience, in the place I have
‘ mentioned. But at the beginning of this war,
‘ I hope no squadrons were intended to be sent
‘ to the *West-Indies* with such instructions; there-
‘ fore, if a great number of young vigorous land-
‘ men had been sent out, I believe they would
‘ have kept their healths as well as our seamen
‘ have done, and most of them would have been
‘ masters of their business, before they could have
‘ met with any thing like opposition at sea.

‘ For this reason, Sir, if we are now in any
‘ distress for want of seamen, I must impute it
‘ wholly to the wrong measures we took at the
‘ beginning of the war; but suppose it to be
‘ partly owing to our not having kept a greater
‘ number of seamen in pay during peace, who are
‘ they that are to blame for this want of foresight?
‘ I am surpris’d to hear such a complaint menti-
‘ oned by the advocates for this motion: Have not

‘ they or their friends had the modelling of
 ‘ the publick expence for almost these twenty
 ‘ years? Did they ever propose a number of
 ‘ seamen for any one year, that was not agreed
 ‘ to by Parliament? Have not they been often
 ‘ blamed for reducing the number of our sea-
 ‘ men, in order to keep up an unnecessary,
 ‘ dangerous and oppressive number of land-
 ‘ forces? The truth is, they have all along seem-
 ‘ ed to be more afraid of the people, than of the
 ‘ people’s foreign enemies; and therefore they
 ‘ neglected and reduced that body of men, which
 ‘ is most proper for defending us against foreign
 ‘ enemies, in order to keep up and increase that
 ‘ body of men, which was most proper for de-
 ‘ fending them against the people.

‘ Thus, Sir, let us consider our present distress
 ‘ in what light we will, we must see that it is
 ‘ intirely owing to the bad conduct of those who
 ‘ are the advocates for this clause; and the wrong
 ‘ use they have made of the powers they were pos-
 ‘ sessed of, is, I think, no very good argument
 ‘ for intrusting them with more. However, Sir,
 ‘ as I am for pushing this war with the utmost
 ‘ vigour, I should be for the clause proposed, if
 ‘ I thought it could any way contribute towards
 ‘ relieving us from the distress we are said to be
 ‘ in; but as I think it would plunge us into far-
 ‘ ther and greater difficulties, by driving into fo-
 ‘ reign service many of the seamen we now have
 ‘ amongst us, and as I think it would be of the
 ‘ most dangerous consequence, both to the liber-
 ‘ ty and property of every man in the kingdom,
 ‘ I must therefore be against it.’

The next speech we shall give upon this sub-
 ject, was that made by *William Pulteney, Esq;*
 which was in substance thus :

‘ Sir,

' Sir, I did not think to have rose up so soon
 ' in this debate; but I find you are like to per-
 ' plex yourselves with amending a clause that
 ' cannot be amended, and therefore I stand up
 ' to prevent, if I can, your giving yourselves this
 ' unnecessary trouble. Sir, amend it what way
 ' you will, it will be a clause, which no *English-*
 ' *man* can agree to. I should not look upon a
 ' man as an *Englishman*, that would agree to
 ' subject himself to such a slavish power; to
 ' have his house exposed to a petty constable
 ' and a press-gang, at all hours in the night, is
 ' what no gentleman that puts any value either
 ' upon his liberty or his property will submit to.
 ' I have the honour, Sir, to represent the county
 ' of *Middlesex*, where there are many rich free-
 ' holders; there are justices of peace too; these
 ' have done me many ill offices, and have at-
 ' tempted to do me many more; for we know
 ' whose tools most of them are. But I depend
 ' upon the free-holders, and while I preserve
 ' their esteem, I shall despise the justices.

' Do gentlemen think, Sir, that I will expose
 ' my own house, or the house of any free-
 ' holder in *England*, to be broke open at the
 ' pleasure of an insignificant two-penny justice of
 ' peace, prompted by his own malice or resent-
 ' ment, or directed by the revengeful temper
 ' of a minister? A gentleman may have five
 ' hundred or a thousand pounds in bank notes in
 ' his house; these, Sir, have no ear mark: The
 ' gentleman may not, perhaps, have taken the
 ' numbers: If these should be taken away, how
 ' could he recover them? He could not, perhaps,
 ' prove that he had any such in his house; if he
 ' could, whom could he sue? Would it be possi-
 ' ble to fix the taking of them upon any one
 ' man of the party? But if this could be done,
 ' would not a low fellow of a constable, or per-
 ' haps

‘ haps one of the press-gang, make his escape as
 ‘ soon as he had got possession of such a sum of
 ‘ money? Thus it it would be impossible for the
 ‘ owner to recover his property, or to punish the
 ‘ man that had robb’d him. An affidavit could
 ‘ be no security against this danger; they that
 ‘ will steal, will swear: Supposing the justice
 ‘ to be no party in the thievish conspiracy,
 ‘ which I am far from reckoning impossible, a
 ‘ petty constable, any common fellow, who knew
 ‘ I had such a sum of money in my house, might
 ‘ go before a justice and swear, that I had seamen
 ‘ concealed in my house: The justice must by
 ‘ this clause, grant his warrant; he is required
 ‘ so to do: The constable must make the search;
 ‘ and the affidavit man comes along with him,
 ‘ as one of the press-gang, perhaps when I and
 ‘ most of my servants are gone to visit a neigh-
 ‘ bour, and while the other servants are attend-
 ‘ ing to open the doors of every ereek and cor-
 ‘ ner to the constable, the affidavit man may
 ‘ very probably find an opportunity to break
 ‘ open my scrutore, and take away my money.

‘ But suppose, Sir, our properties were safe, or
 ‘ could be made safe, against such a clause as
 ‘ this, would any gentleman tamely submit to
 ‘ have his house search’d, and himself and his
 ‘ family disturb’d, every night for two or three
 ‘ months together? Yet this might be the case,
 ‘ if a minister, or the tool of a minister, should
 ‘ conceive a pique against him for opposing them
 ‘ at any election. We know how easy it is for
 ‘ ministers to find affidavit men, and no court in
 ‘ *England* could give the gentleman any redress,
 ‘ because the search was every night made ac-
 ‘ cording to the express directions of an act of
 ‘ Parliament. Even the Parliament itself could
 ‘ not give him redress, if the parties concerned in
 ‘ the conspiracy stood firm by one another: I say,

‘ Sir,

‘ Sir, even the Parliament itself could give no
‘ redress, without exercising a more arbitrary
‘ power, than I shall ever wish to see exercised
‘ by any Parliament in *England*; for no man
‘ could say, the affidavit man had taken a false
‘ oath, when he swore he had reason to suspect,
‘ that seamen would be that night concealed in
‘ such a house; nor could the Parliament punish
‘ the justice or the constable, for doing what the
‘ law requir’d them to do. In short, Sir, this clause
‘ is so full fraught with oppression, and so dange-
‘ rous to the liberty, the property, and the quiet
‘ of every man in *England*, not concerned in the
‘ executive part of our government, that I must
‘ think the contrivers of it have a fancy, that they
‘ and their posterity in *secula seculorum* are to be
‘ the ministers and magistrates of *Great-Britain*.

‘ An honourable gentleman, Sir, who argued
‘ for this clause, as he has done for many others
‘ of the same nature, has been pleased to favour
‘ us with his advice, to lay aside our jealous-
‘ lies and fears, and intrust our ministers with all
‘ such powers, as they shall call necessary for ena-
‘ bling us to act with vigour in our national ca-
‘ pacity. This, Sir, is directly the fable of the
‘ fox and the geese; but I hope we shall not be
‘ such geese, as to take his advice. Let our mi-
‘ nisters aim at no extraordinary and dangerous
‘ powers, and, I’ll answer for it, the people will
‘ entertain no jealousies; but when a minister has,
‘ during the whole course of a long administration,
‘ been aiming at such powers, and has obtained
‘ more than ever any minister did, it is no won-
‘ der to see jealousies and fears arising among the
‘ people: It is rather to be wonder’d at, that
‘ those jealousies are not more violent and more
‘ general than they are. We have of late years
‘ had many dangerous penal laws enacted; laws
‘ which

' which seem calculated rather for oppressing the
 ' innocent, than punishing the guilty. The late
 ' smuggling act is a most terrible law of this na-
 ' ture. I travel often into a county well known
 ' to an honourable gentleman near me ; when I
 ' am there, I often walk about with a gun upon
 ' my shoulder, and with two or three servants or
 ' companions armed in the same manner : Up-
 ' on such occasions, I confess, I am in some pain,
 ' lest I should be taken up for a smuggler ; I
 ' know I might be taken up as such, by autho-
 ' rity of that law, because I happen to be travel-
 ' ling with arms, and within five miles of the
 ' sea-coast, or of some navigable river : Nay,
 ' I know I might be condemn'd and trans-
 ' ported as such, in case one of my servants
 ' should happen, without my knowledge, to have
 ' a parcel of tea or lace in his pocket, which a
 ' friend of his had desired him to carry to a
 ' neighbour in the country.

' It is true, Sir, no bad use has as yet been
 ' made of that law ; but when we are considering
 ' whether or no a government be arbitrary, we
 ' are not to inquire what they do, but what they
 ' may do ; for whatever they may do, they will
 ' do, when they have necessary occasion for it.
 ' The King of *France* had an army, and conse-
 ' quently a power to compel his Parliament to
 ' register his edicts, long before he attempted
 ' it. The Parliament of *Paris* had formerly a
 ' negative in the passing of laws, as well as we in
 ' this house have ; they still pretend to the right,
 ' but now they dare not exercise it ; and by
 ' means of our armies and our penal laws, this
 ' house may soon be brought into the same cir-
 ' cumstances : The chancellor of the exchequer,
 ' the attorney-general, or the secretary at war,
 ' may bring us a bill ready cut and dry, from his
 ' Majesty, and tell us, the King commands us to
 ' pass

‘ pass it. This house, as it is composed at present, would, I know, disdain to obey any such command; but by oppressing our electors, by means of penal laws, a minister may get such a house chosen, as would refuse nothing the crown could desire, and in that case, I’m afraid, the nation would find but little relief in the other house. Sir, to act with vigour in our national capacity, we have no occasion to intrust our ministers with any extraordinary powers, or with a multitude of penal laws. The nation has often acted with vigour before these powers were granted; it has never acted with vigour since they were granted; nor can it, I believe, ever act with vigour till many of them are repealed. New and extraordinary powers, and a multiplicity of penal laws, render the people jealous, uneasy, and discontented with their government; and whilst the people are so, however vigorously our ministers may act, in oppressing the people at home, and preventing their being able to do themselves justice, it will not be in their power to act with vigour abroad, or against a foreign enemy: Therefore, the intrusting of our ministers with new and extraordinary powers, instead of enabling us, will render it impossible for us to act with vigour in our national capacity.

‘ An honourable gentleman prophesied to us, Sir, that our passing this clause into a law would prevent our government’s being under any necessity, either to press, or to search for seamen; because, if our seamen should see, that they could not by absconding avoid being pressed into his Majesty’s service, they would all come and enter voluntarily. Sir, it is not the first time that honourable gentleman and his friends have appeared to be mistaken in their prophecies; if they had not, we should have been engaged in no such war as the present; and, I believe, they

‘ never

' never found themselves more out in any prophe-
 ' cy, than they will find themselves in this. Our
 ' passing this clause into a law, I shall grant, may
 ' put an end both to pressing and searching for
 ' seamen; not because our government will be
 ' under no necessity for doing so, but because it
 ' will be in vain for them to do so; for I am con-
 ' vinced, it would in a short time hunt every sea-
 ' man we have out of the kingdom; and if we
 ' had no seamen left, it would be needless for our
 ' government to search for them, and it would be
 ' impossible to press, when there is no man to be
 ' pressed.

' Our seamen, Sir, are already exposed to
 ' greater hardships than our landmen are: The
 ' latter are never pressed into the army, but cajo-
 ' led and bribed into the service; the former are
 ' pressed into the navy upon every trifling occa-
 ' sion. I am sure, I may say so from our conduct
 ' of late; for though we have of late had many
 ' a hot press for seamen, they have never been
 ' sent upon any expedition, where they could gain
 ' glory or riches, either to themselves or their
 ' country. If to their former hardships we add
 ' this now proposed, they will all leave us; for a
 ' *British* sailor will always be a welcome guest to
 ' any power in *Europe*. It is impossible, Sir, to
 ' amend this clause so, as to make it good; there-
 ' fore, do not let us be wire-drawn by amend-
 ' ments into the passing of a clause, which, amend
 ' it as you will, must destroy the very end for
 ' which it is said to be intended: It is directly the
 ' cucumber; pare it, slice it, squeeze it, put what
 ' ingredients you will to it, yet still it will be fit for
 ' nothing but being thrown out at window.'

The next that spoke was *Robert More*, Esq;
 whose speech was to this effect.

' Sir,

‘ Sir, As I am descended of a family that has Mr. Mordaunt's speech,
‘ never been deficient in their duty to their coun-
‘ try, and has upon former occasions taken arms
‘ in defence of its liberties and privileges, I should
‘ be sorry if I degenerated so much from the vir-
‘ tue of my ancestors, as to approve of any regu-
‘ lation that might be of dangerous consequence
‘ to the liberties of my country; but I am so far
‘ from looking upon the regulation now proposed
‘ in this light, that, I think, not only our liberties
‘ but our independency as a free nation will be in
‘ the utmost danger, if it is not agreed to; for if
‘ our government is not enabled to defend us a-
‘ gainst foreign attacks, we shall certainly be con-
‘ quered by the first nation that is bold enough to
‘ invade us.

‘ I have examined the clause and attended to
‘ the debate, I hope, impartially, and I must con-
‘ fess, I can see none of those dangerous conse-
‘ quences that have been suggested by those who
‘ have spoke against the clause: Our apprehensions
‘ ought all, I think, to be upon the other side of
‘ the question; for if we do not expose our houses
‘ to the danger of being searched for absconding
‘ seamen by our own magistrates and officers, they
‘ will be exposed to the danger of being plundered
‘ by invading *Spaniards* or *Frenchmen*. We may
‘ prescribe limits to the former: We may punish
‘ them if they exceed those limits; but the latter
‘ we can neither limit nor punish; and surely the
‘ danger of being plundered is of much greater
‘ consequence than the danger of being searched.

‘ I wish gentlemen would judge more candidly
‘ of one another's behaviour: I am afraid, Sir,
‘ there are some amongst us who judge from envy
‘ and resentment. Such passions will always create
‘ jealousies and fears, and suggest apprehensions
‘ for which there is not the least foundation. We
‘ ought to behave like Christians towards one ano-
‘ ther;

' ther; if we did, we should never judge rashly
 ' of the thoughts or actions of other men; but
 ' would behave with meekness, humility, and
 ' forbearance, which are so necessary for the pre-
 ' servation of society, and for keeping up a friend-
 ' ly intercourse among men. As I shall always
 ' endeavour to follow this precept, I cannot sus-
 ' pect those who proposed this clause of any bad
 ' intention, and if it should hereafter give rise to
 ' any sort of oppression, it may easily be amended
 ' or repealed; therefore to relieve us from the
 ' present necessity, and to prevent the like in time
 ' to come, it ought, I think, to be approved of.'

William Noel, Esq; rose up next, and spoke in
 substance thus:

Mr. Noel's
 speech.

' Sir, It is something surprising, that this nation
 ' should have subsisted free and independent for
 ' so many ages, and yet should now be in such
 ' danger of being conquered by *France* or *Spain*,
 ' that we must enable our ministers to conquer us,
 ' in order to prevent our being conquered by fo-
 ' reigners. Is not this, Sir, *ne moriaris, mori?*
 ' It may preserve, it may even increase the inde-
 ' pendency of our ministers, because it will render
 ' them independent of the people, which they
 ' ought never to be; but it will destroy the liber-
 ' ties of the people; and as we sit here chiefly to
 ' preserve the liberties of the people against the
 ' incroachments and usurpations of ministers, how
 ' could we answer it to our constituents? To mine
 ' I could say nothing, but only that I had made
 ' myself as great a slave as I had made them: To
 ' them, and I believe to most others in *England*,
 ' it would be no excuse to say, that if we had not
 ' done so, we should all have been conquered by
 ' *France* or *Spain*; for whatever our ministers and
 ' their friends may pretend, I am sure, the people
 ' of *Great Britain* are under no apprehensions of
 ' their

‘ their being conquered by either of these two
‘ powers.

‘ Every one knows, Sir, that the freedom of our
‘ constitution consists principally in the freedom of
‘ our elections; and the freedom of our elections
‘ consists in its not being in the power of a mini-
‘ ster, or any great man, to hurt an elector, on ac-
‘ count of his voting contrary to his orders at any
‘ election. Would this be the case, if this clause
‘ should be passed into a law? Might not a mini-
‘ ster, or his tools the justices of peace, harrafs a
‘ stubborn elector out of his life, or at least out of
‘ his business, by sending a constable and a pres-
‘ gang every night, or every other night, to
‘ search his house for absconding seamen? The
‘ interposition of an affidavit would no way mend
‘ the matter; for when there is no danger of in-
‘ curring the penalties of perjury, as there could
‘ be none in this case, an affidavit is easily obtain’d,
‘ especially when the affidavit man is sure of being
‘ protected, as well as rewarded by a minister of
‘ state. We know what use has been made of
‘ the power of quartering soldiers upon publick-
‘ houses; we know that innkeepers, and even bo-
‘ roughs, have sometimes been made to suffer by
‘ that means, for their having disobliged ministe-
‘ rial orders at elections: This, I am convinced,
‘ has been done; it may again be done, without
‘ any possibility of its being proved; because the
‘ act is legal, the crime consists singly in the in-
‘ tention, which people may suspect, but cannot
‘ prove. This of searching would be attended
‘ with the same convenience to ministers and their
‘ tools, and the effect would be much more ex-
‘ tensive; because quartering of soldiers is confined
‘ to publick-houses; but this of searching for sea-
‘ men is to be extended to all sorts of houses, even
‘ to the houses of the best noblemen in the king-
‘ dom.

‘ For

' For my part, Sir, should we agree to this
 ' clause, I can have no notion that the other house
 ' will: We may, if we please, lay our own houses
 ' open, at all hours of the night, to petty constables and press-gangs; but I cannot think the
 ' Lords will lay their houses open at such times,
 ' or to such visitants. They will certainly except
 ' the houses of all Peers and Peereffes; and if the
 ' bill should be returned to us with such an exception, would you pass it into a law? I am therefore of opinion, that if this clause stands in the
 ' bill, it will occasion the loss of the whole; and
 ' as I am for the first clause, which enables the
 ' government to give a reward of five pounds to
 ' every seaman that shall voluntarily enter into his
 ' Majesty's service, I must therefore be against a
 ' clause which, I think, will occasion the loss of
 ' the whole bill.

' But suppose, Sir, I were assured, that the
 ' other house would be as complaisant to our ministers, as some in this seem to be, the clause is
 ' in itself of a nature so dangerous to our constitution, that I must be against it: It gives such an
 ' extensive power to justices of peace and their
 ' constables, as is repugnant to the spirit of our
 ' law, and inconsistent with our constitution. Our
 ' justices of the peace are generally too apt to favour the cause of the crown, rather than that of
 ' the subject: Nay, many of them are but too
 ' apt to become the mere tools of a minister, and
 ' to make use of all the powers they are invested
 ' with according to his directions. And suppose
 ' it were otherwise; suppose they were all inclined
 ' to favour the subject, and enemies to all manner
 ' of oppression; in this case they cannot prevent
 ' it, where a minister inclines to oppress: Even
 ' with the amendment proposed they cannot prevent it. They must give the oath to the person
 ' that comes to inform; they must thereupon
 ' grant

‘ grant their warrant for searching the house informed against; and the constable must execute the warrant, even though both were fully convinced of the falshood of the affidavit, and that it was sworn to with a design to oppress, or in order to satisfy the malice and revenge of a minister, or perhaps that of the informer himself.

‘ I shall admit, Sir, that the government has a right to the service of every seaman, when the safety of their country requires their service; and I know it has been the practice to press seamen upon such occasions: Whether the practice be established by law, I shall not take upon me to determine; but so far I may say, that the method of pressing ought never to be practised, except when the nation is in the most imminent danger. On such occasions the King has, I know, a sort of dictatorial power, and therefore may press men either for the land or sea service; for I do not think there is by law any real difference between the two; and therefore I must think it both against law and reason to press seamen upon every trifling occasion, as has been the practice of late years; for from the year 1718 to the breaking out of this war, I do not think there was ever any just occasion for a press, and yet we have had several within that period. Upon great occasions indeed, and when the public safety absolutely requires it, the government has a right to the service of every seaman in the kingdom, till his Majesty’s navy be fully supplied; and then I will allow, that every seaman in the kingdom, who absconds, is criminal; but surely we are not to take away the liberty of the subject in general, for the sake of bringing them to their duty.’

The next speaker was Mr. Attorney General, whose speech was to this effect.

Mr. Attorney General's speech.

‘ Sir, tho’ I can pretend to no more than to resume or enlarge upon some of the arguments that have already been mentioned in this debate ; yet, as it is a matter of such consequence, I think it my duty to give you my sentiments upon the subject ; and as the arguments for and against this clause may be ranked under two heads, those that relate to the benefits that may arise from its being passed into a law, and those that relate to the dangers and inconveniencies we may be exposed to by our agreeing or disagreeing to this clause, I shall begin with the first. Sir, if there be any seamen now lurking any where in the *British* dominions, and I think it has of all sides been admitted there are some, this law will certainly be of great advantage to our trade, because it will enable our government to find out and press the lurking seamen into the service of the navy, and consequently will leave a greater number of seamen to be employed in the merchant service. The navy, it is certain, must be supplied, even tho’ some branches of our trade should be stopt for a while ; what then can be more beneficial to our trade, than that of taking first those seamen, who now refuse to enter either into the government’s or merchant service ?

‘ I remember, Sir, two years ago, when war was so much sought after, and so violently insisted on, by almost all ranks of people, no man pretended to have any apprehensions of our trade’s suffering by the war : Surely it was not then imagined, that our trade could be carried on in time of war with the same ease and security, as in time of peace ; for our trade must suffer by war, let the war be conducted in what manner it will ; yet ever since the war has been declared, every little inconvenience our trade

‘ trade lies exposed to, has been set in the
 ‘ strongest light, and clamoured against in the
 ‘ most violent manner; and now, when a me-
 ‘ thod is proposed for obviating most of the in-
 ‘ conveniencies our trade lies exposed to, it is
 ‘ opposed, and represented as a step to arbitrary
 ‘ power. Is this candid, Sir? Is it a fair way of
 ‘ treating those, who are intrusted with the con-
 ‘ duct of our publick affairs?

‘ But to return to my subject, Sir. I have
 ‘ shewn how beneficial this clause may be to our
 ‘ trade; and next with regard to our seamen,
 ‘ would it not be a great benefit to our seamen
 ‘ in general, if all of them were obliged to take
 ‘ their turn in the navy, and no man obliged to
 ‘ serve there longer than his turn? That this
 ‘ would be the consequence of the law now pro-
 ‘ posed is, I think, apparent; because if the
 ‘ government had choice of seamen, they would
 ‘ certainly chuse those able seamen that had been
 ‘ longest at home, or longest out of the govern-
 ‘ ment’s service. Such a law could be inconve-
 ‘ nient to none, but such as refuse to take their
 ‘ turn in the government’s service, and abscond
 ‘ in order to avoid their being pressed into that
 ‘ service; and as they are allowed to be criminal,
 ‘ the forcing of them to their duty cannot surely
 ‘ be reckoned an inconvenience to the publick.

‘ Lastly, Sir, with regard to the prosecution
 ‘ of the war, it would certainly be a great advan-
 ‘ tage to us to have plenty and choice of sea-
 ‘ men always at the government’s command. I
 ‘ cannot say that this would be, so much as I
 ‘ could wish, the effect of our passing this clause
 ‘ into a law, because I do not think we have at
 ‘ present a stock of seamen in the kingdom, suf-
 ‘ ficient for answering both the merchants and
 ‘ the government’s demand; but we should
 ‘ certainly have a greater plenty of seamen, if

‘ all of them were within the government’s reach,
 ‘ and obliged to enter into one or other of these
 ‘ services, than when a third, a fourth, or any
 ‘ part of them are absconding in country places,
 ‘ where they can be of no service either to them-
 ‘ selves or their country; and the greater plenty
 ‘ of seamen we have, the more vigorously we
 ‘ shall be able to push the war, which will of
 ‘ course enable us to put a more speedy and ho-
 ‘ nourable end to it than we can do otherwise.
 ‘ This will be another advantage to our trade,
 ‘ besides that I have already taken notice of, and
 ‘ should be a prevailing argument with every
 ‘ man that wishes well to his country, to approve
 ‘ of this clause.

‘ Now, Sir, with regard to the dangers that
 ‘ may arise from our agreeing or disagreeing to
 ‘ this law: As those which may arise from our
 ‘ rejecting this clause have already been set in a
 ‘ very full and clear light, I shall only take notice
 ‘ of a few of those inconveniencies which, it is
 ‘ suggested, may arise from the law proposed.
 ‘ Upon this head we are told, that the power of
 ‘ breaking open people’s doors, by night or by
 ‘ day, will be a most grievous inconvenience to
 ‘ private men, and a power of the most dange-
 ‘ rous consequence to our constitution. For God
 ‘ sake, Sir, is this the first time that ever such a
 ‘ power was established in this kingdom? Have
 ‘ not our constables already such a power in many
 ‘ cases, when they have a proper warrant from a
 ‘ justice of the peace? Besides the case of felony,
 ‘ they have a power to break open doors in search
 ‘ of uncustomed or prohibited goods, and in the
 ‘ case of goods carried off and concealed in de-
 ‘ fraud of the landlord for his rent. Was it ever
 ‘ known, was it ever so much as complained of,
 ‘ that this power was oppressively used, or that
 ‘ it was turned towards the influencing of elec-
 ‘ tions?

tions? This is therefore a danger that from experience appears to be chimerical; and I hope the manning of his Majesty's navy will be admitted to be of more consequence to the publick than the recovery of any such goods.

We have been likewise told, Sir, that the establishing of such a law will be such a grievance to our seamen as will frighten them all out of the kingdom. As to this, Sir, I have already shewn, that it will be a great advantage to all seamen who do not abscond, and those, I hope, are the greatest and best part of our seamen. But even as to seamen that do abscond, it could be no such additional grievance as would force them into foreign service; for with regard to the pressing of seamen, I must really think, our law is a little whimsical. A seaman may be pressed if found on board a ship: Nay the ship may be searched for him. He likewise may be pressed if found in the streets, highways, or fields; but if he gets into a house, and gets a door shut upon himself, he may look out at the window and laugh at the press-gang; therefore to make our law consistent with itself, I think, we ought to give a power to the civil officer to search the house, and even to break open doors in case of non-admittance. This would not be so great a hardship upon absconding seamen as the penalties now inflicted by law upon absconding watermen or bargemen; for if they do not appear at *Watermens-ball* when called on, in order to be sent into the service of the navy, they are by law subjected to several penalties, and yet we do not find, that this regulation has forced any of them abroad, or any way lessened their numbers. From all which I must conclude, Sir, that the nation will reap great advantages from this clause if passed into a law, without

‘ being exposed to any inconvenience or danger;
 ‘ and therefore, I hope, it will be agreed to.’

The next that spoke was *Nicholas Fazakerley*, Esq; the purport of whose speech was as follows.

Mr. Fazakerley's
 speech.

‘ Sir, I am surprised to find gentlemen express
 ‘ so much impatience, as some begin to shew in
 ‘ this debate. I hope no gentleman comes here
 ‘ with a resolution to give his vote upon either
 ‘ side of any question that may be started, till he
 ‘ has heard what may be said for and against it;
 ‘ and therefore, in a question which so nearly
 ‘ concerns the liberties of our country, I cannot
 ‘ but be surprised at seeing gentlemen express an
 ‘ unwillingness to hear the argument fully dis-
 ‘ cussed. If they will not be at the pains to let
 ‘ us hear their sentiments upon it any other way
 ‘ than by their Aye or their Nay, they ought to
 ‘ attend patiently to those that will; for tho’
 ‘ these monosyllables may determine the ques-
 ‘ tion, I am sure neither of them will ever con-
 ‘ vince any reasonable man in the kingdom.

‘ I have not the vanity, Sir, to imagine, that
 ‘ what I have to say will have great weight with
 ‘ the majority of this assembly; but in duty to
 ‘ my constituents, I think myself obliged to use
 ‘ my endeavours, and as a member of this house
 ‘ I have a right to be heard. The question now
 ‘ before us is not simply, whether we shall agree
 ‘ to this clause or no? It is, whether we shall
 ‘ agree to put an end to our constitution, and
 ‘ make slaves of ourselves, our constituents and
 ‘ posterity? For this, in my opinion, will be the
 ‘ certain consequence of our agreeing to this
 ‘ clause, howsoever amended. That our liberties,
 ‘ nay and our properties too, depend upon the
 ‘ freedom of our elections, is a maxim which,
 ‘ I believe, no man will contest. A corrupt

‘ Parliament may for a time support an oppressive
 ‘ and wicked minister ; but a Parliament is but
 ‘ the stream, our elections for Parliament men are
 ‘ the fountain head, and as long as they are left
 ‘ free and uncorrupted, the stream will of course
 ‘ refine, and will at last become as pure as the
 ‘ fountain from whence it flows. But this clause,
 ‘ Sir, seems to be contrived for poisoning the foun-
 ‘ tain itself, and for rendering all the elections in
 ‘ the kingdom dependent upon the will of every
 ‘ future minister.

‘ Let us consider, Sir, that the freedom of a
 ‘ man’s vote at any election may be taken away,
 ‘ not only by an immediate bribe in ready money
 ‘ or bank notes, but by the hopes of being re-
 ‘ warded for his compliance, or the fears of be-
 ‘ ing made to suffer for his stubbornness ; and if
 ‘ we consider how much a minister has it already
 ‘ in his power to make use of every one of these
 ‘ methods, we shall be extremely cautious of
 ‘ making any new additions to that power. That
 ‘ our ministers have now a much greater com-
 ‘ mand of ready money, than they formerly used
 ‘ to have, can be denied by no man, who consi-
 ‘ ders the late increase of the civil list revenue,
 ‘ the great sums of late years allow’d even in
 ‘ time of peace, for secret service money, and
 ‘ the savings that may be made out of the vast
 ‘ sums now granted for the current service. I
 ‘ believe, Sir, it will be as little contested, that
 ‘ our ministers have now a much greater number
 ‘ of lucrative posts and employments at their
 ‘ disposal than any former ministers ever had in
 ‘ this kingdom. These, Sir, are a two-edged
 ‘ sword in the hands of a minister ; they serve
 ‘ not only for cultivating the hopes of the com-
 ‘ pliant, but for increasing the fears of the stub-
 ‘ born at elections ; and by our late practice they
 ‘ are now become more useful in both these re-
 ‘ spects,

'pects, than ever they were before. It is now
 become a general and an established opinion,
 that no man is to expect, or to hold any post
 or employment in the government, unless he,
 and all those over whom he has an influence,
 take care to vote at every election according to
 the directions of the minister. What an effect
 this must have at all elections, gentlemen may
 easily imagine: If an elector has any thing
 mercenary in his temper, he will certainly vote
 according to court directions at every election,
 in hopes that he, his son, his brother, or some
 near relation, may get a post, or a preferment
 in the service of the government; and it is a
 great hardship upon honest men, I mean those
 who vote upon all occasions according to con-
 science, to find themselves excluded from all
 the benefits that are to be reaped by serving
 their country in a publick capacity. Whe-
 ther it is so or not, I shall not pretend to say,
 but I am sure it is generally thought that no
 man is now deemed capable to serve his coun-
 try, unless he be ready upon all occasions to sa-
 crifice the liberties of his country to the dictates
 of those, who have the disposal of our publick
 employments; and this of itself would in most
 countries be sufficient for establishing arbitrary
 power.

But, Sir, to the honour of my country, I
 must observe, that here it has been found other-
 wise. Our people have in their temper such a
 laudable stubbornness, and such a love of inde-
 pendency, that in most places, especially in our
 counties, a majority of them cannot be influ-
 enced, either by present rewards or future hopes,
 to give up their independency at elections. If
 they can but live and follow their business in a
 private way, they chuse to forego the honour
 and advantage of serving their country in a
 pub-

publick capacity, rather than vote according to a minister's direction at any election; and for this reason divers methods have been contriv'd, and several schemes laid, for making it impossible, or at least very troublesome, for a man to live and follow his business in a private way, unless he submits to vote for the court candidate at every election. This, Sir, has, I am convinced, been, with some gentlemen, the chief motive for promoting several of those penal laws, that are now subsisting; and this leads me to consider the third method of over-awing elections, by subjecting the electors to the fear of suffering by their stubbornness. In a country where there is a multitude of penal laws, and especially when those laws not only punish but create crimes, innocence can be no protection against the malice or revenge of those, who are intrusted with the executive part of the government. A man may, without knowing it, be guilty of a breach of such intricate laws; and even when he is guilty of no breach, he may be plagued and harrassed out of his life, or at least out of his business, by the government's officers: In such circumstances, he must not only be a very honest, but a very brave and resolute man, who will dare to vote at any election contrary to those menaces that are whispered to him by the tools of a minister; and if we consider what numbers of electors are already brought into such circumstances, by the many penal laws lately enacted, we shall have more reason to wonder at any election's being carried against a court interest, than at the minister's having the direction of most of the elections in the kingdom.

When our liberties are in so great danger; when there is so much reason to apprehend the prevalence of a court influence upon every election

' tion in the kingdom, shall we pass a law, which
 ' will enable a minister to distress every man in the
 ' kingdom, that shall dare to disobey his orders at
 ' any election? I say, Sir, every man in the
 ' kingdom; for this law will enable a minister to
 ' distress not only our seamen, but every man in
 ' the kingdom, that has a house over his head.
 ' As for our seamen, they must certainly be abso-
 ' lute slaves to the will of every future minister,
 ' or otherwise, let their rank or condition be
 ' what it will, they must expect to be pressed into
 ' his Majesty's service, and obliged to serve be-
 ' fore the mast. The pressing of seamen into his
 ' Majesty's service is, it is true, an ancient prac-
 ' tice, and a practice which of late years has been
 ' too often made use of; but it is as yet war-
 ' ranted by no express statute: It stands singly
 ' upon the footing of common law and preroga-
 ' tive, therefore this power must always be exer-
 ' cised at the peril of the minister; and if it
 ' should be exercised unnecessarily, or in a more
 ' oppressive manner than is necessary, it would be
 ' a misdemeanor, for which the advisers might be
 ' prosecuted and punished in Parliament. Thus,
 ' Sir, the law stands at present; but by this clause
 ' the practice of pressing is to be authorized by an
 ' express statute, and that without any limitation
 ' as to the necessity or time of pressing, or as to
 ' the seamen, or seafaring-men, that are to be
 ' pressed.

' Seamen, or seafaring-men, Sir, are such ge-
 ' neral words, that they may comprehend a great
 ' many gentlemen, who never dreamt of their
 ' being seamen. When a gentleman is favoured
 ' with his passage on board any of his Majesty's
 ' ships of war, I have been told, it is usual to put
 ' his name upon the ship's books, as a seaman
 ' on board that ship, and some one of the offi-
 ' cers on board is allowed the advantage of re-
 ' ceiving

ceiving his pay : If this clause should be passed into a law, every such gentleman might be pressed into the service ; and if he should deny his being a seaman, the books of that ship would be produced, as an incontestable proof of his being a seaman. Besides, Sir, there are many real seamen, who ought not to be pressed as common seamen ; commanders, and several other officers belonging to merchant-ships, ought not to be pressed into his Majesty's service as common seamen. In like manner, when a man has left the sea service, and is settled in some good business at land, he ought not to be pressed into his Majesty's sea service ; but if this clause be agreed to, we are to authorize pressing without any restriction or limitation ; so that not only seamen in actual service, but every man that has ever been at sea, or in any business upon the water, will be liable to be pressed as common seamen, and consequently, will be subject to that sort of court influence, which proceeds from the fear of being made to suffer for any sort of disobedience to the will of a minister ; and can we expect, that such men will vote freely at any election, where there is an opposition to the court candidate ?

But this, Sir, is not all : Such a law as this will have a most fatal effect upon the freedom of our elections, not only with regard to all such as are or have ever been at sea, or in any business upon the water, but with regard to every other man in the kingdom, that happens to be a house-keeper. Quiet and security at home is an advantage, which every man must desire, and consequently, being disturbed by unwelcome guests, or at unreasonable hours, is a danger which every man must dread. By this law you are to put it in the power of a
mi-

‘ minister to disturb any house-keeper in the
 ‘ kingdom as often, and at such hours, as he
 ‘ thinks fit; and consequently every house-keeper
 ‘ in the kingdom must be under a continual ter-
 ‘ ror of doing any thing that may provoke the
 ‘ minister to make use of this power against him.
 ‘ The interposition of an information upon oath
 ‘ will be no restraint upon this power; because
 ‘ ministers are generally well provided with in-
 ‘ formers of all kinds, and the more wicked and
 ‘ oppressive a minister is, the more of this ver-
 ‘ min he always has about him, and the more
 ‘ profligate they are. In my opinion, it will be
 ‘ so far from diminishing, that it will increase
 ‘ the danger of this clause; because justices are
 ‘ to be not only impowered, but required to
 ‘ grant their warrant, and constables are obliged
 ‘ to execute the warrant of the justices. If you
 ‘ leave it as it stands at present, the execution of
 ‘ the law must be regulated, or at least it ought,
 ‘ I think, to be regulated by the present practice
 ‘ in the case of vagrants. When the justices
 ‘ grant their warrant for a general search after
 ‘ vagrants, and other idle and disorderly persons,
 ‘ the constables are not to search every house in
 ‘ the district; they are to search no where but in
 ‘ night-houses, or houses of ill repute; and if
 ‘ they should disturb houses of good character
 ‘ by virtue of such a warrant, they might be
 ‘ prosecuted, and would be punished; and there-
 ‘ fore, as this law now stands, the constables
 ‘ could, in my opinion, search no where but in
 ‘ houses reputed to be harbourers of absconding
 ‘ seamen. This, I say, is my opinion, but if
 ‘ the clause should be passed into a law, I shall
 ‘ not say, that my opinion would be asked or fol-
 ‘ lowed, and therefore I do not think we should
 ‘ agree to a law, which by too extensive an in-
 ‘ terpretation might be made of the most dange-
 ‘ rous

‘ rous consequence, both to the liberties of our
‘ country, and to the property of every subject.

‘ But, Sir, if you make the amendment pro-
‘ posed; if you require the justice to grant his
‘ warrant upon the oath of any informer, you
‘ will make the evil consequences of this law
‘ certain and unavoidable. The justice must then
‘ grant his warrant, and the house must be
‘ search’d, let the character of the house be never
‘ so good, let the character of the informer be
‘ never so bad. This, Sir, is more than is done
‘ even in the case of felony, and exposes inno-
‘ cent men to great danger. In the case of fe-
‘ lony, a justice is impowered to grant his war-
‘ rant to search a house upon an information on
‘ oath, that there is cause to suspect stolen goods
‘ being concealed in that house; but he is not
‘ required so to do: He may and ought to refuse
‘ granting his warrant, if the informer be a mean
‘ person, or one of a bad character; and if upon
‘ searching no such goods be found, the informer
‘ would be made answerable for all damages
‘ sustained by such search: Nay, the justice him-
‘ self would be made answerable, if it should
‘ appear, that he had granted his warrant upon
‘ the information of an insufficient person.

‘ I therefore wish, Sir, the honourable gentle-
‘ men employed in drawing up this bill, had
‘ considered a little better the constitution and
‘ the laws of their country; for from the bill as
‘ it stands at present, people without doors will
‘ be apt to imagine, they have very little regard
‘ to the liberties, the properties, or the ease of
‘ the subject, provided they can but increase the
‘ power and influence of the crown. From what
‘ I have said it will, I think, appear, that if we
‘ are to authorize pressing by an express statute,
‘ we should take care to lay it under several re-
‘ straints. It ought never to be allowed, but in
‘ cases

‘ cases of the most extreme necessity, and when
‘ we ourselves, or some of our best allies, are in
‘ the most imminent danger of being invaded;
‘ for notwithstanding the lowness of the wages
‘ in his Majesty’s service, a common seaman has
‘ so many advantages in that service above what
‘ he has in the merchant service, that if proper
‘ care be taken to use them well, when they are
‘ on board our ships of war, and not to allow
‘ the officers to oppress them, or to cheat them
‘ of what is their due, our government can never
‘ be at a loss for seamen upon any ordinary occa-
‘ sion; and when it has time to send sea officers
‘ about, in the same manner as land officers are
‘ now sent, with money in their pockets to beat
‘ up for volunteers.

‘ In passing such a law, Sir, we should like-
‘ wise take care, that those who are in any supe-
‘ rior station in the merchant service, shall not
‘ be pressed as common seamen into his Majesty’s
‘ service; and that those seamen who have left off
‘ the sea service, and are settled in some good
‘ business at land, shall not be pressed into his
‘ Majesty’s service at sea; for if we establish
‘ pressing by law, without such restrictions, it
‘ will destroy our very breed of seamen, by pre-
‘ venting any man’s breeding himself to the sea
‘ for the future, and by driving most of the sea-
‘ men we now have into foreign service; for
‘ tho’ they know that in other countries they
‘ must be as much slaves, as they are in their
‘ own, they will nevertheless have this comfort,
‘ that in such countries they are upon an equal
‘ footing with the rest of the people; whereas
‘ in this country, if we establish pressing by sta-
‘ tute, without proper restrictions, every seaman,
‘ let his future fortune be never so considerable,
‘ must be a slave to our ministers, and whilst we
‘ have any liberty left, which, I am afraid,
‘ would

‘ would not be long, they will with regret look
‘ upon themselves as the only slaves in the na-
‘ tion.

‘ But this bill goes a great deal farther : It not
‘ only establishes the arbitrary method of pressing,
‘ without any restriction as to the necessity for
‘ making use of that method, or as to the cir-
‘ cumstances of the seamen that are to be pressed,
‘ but likewise it makes every seaman a sort of
‘ an out-law, unless goes and enters into the
‘ government’s service, as soon as the press be-
‘ gins ; for whoever harbours a seaman, that is
‘ to say, whoever gives him a night’s lodging
‘ or a meal’s meat, either gratuitously, upon
‘ trust, or for ready money, is to be subjected
‘ to a penalty, or at least to a prosecution, which
‘ every prudent man will avoid as much as he
‘ can : This, I say, will be the case of every sea-
‘ man that does not go and enter into the govern-
‘ ment’s service, as soon as a press begins ; for
‘ as the clause is worded, I do not see how he
‘ can otherwise with any certainty avoid the cha-
‘ racter of being an absconding seaman. Would
‘ not this be an intolerable hardship upon our
‘ seamen in general ? Would it not in many cases
‘ be cruel and inhuman ? Would it not be cruel
‘ to punish a mother for concealing a favourite
‘ son ? or a daughter for concealing her father ?
‘ I shall grant, Sir, that as long as we have any
‘ seamen in the kingdom, this bill may properly
‘ be called an act for the speedier manning his
‘ Majesty’s fleet, because it would make it almost
‘ impossible for a seaman to live for two days
‘ after a press begins, in any part of his Majesty’s
‘ dominions, without entering himself on board
‘ his Majesty’s fleet ; but how an act by which
‘ our seamen, and all their friends and relations,
‘ are subjected to such hardships, can be called
‘ an

an act for the encouragement and increase of seamen, is what I cannot comprehend.

In all constitutions and regulations of government, there are, there must be some inconveniencies; and the inconveniencies that proceed from republican forms of government, are generally made use of by crafty and ambitious men, for introducing such alterations and such new regulations, as make way for arbitrary power. When such men get into the government of a commonwealth, they take care to increase every inconvenience that proceeds from the fences of liberty, in order to introduce new and uncontrollable powers. Those of weak understandings, which is often the majority, are so blinded by the inconveniencies they feel, that they neither see, nor can be made to see the dangers and inconveniencies that must insue from the alterations proposed. It is by this method that all free governments have been overturned; and we have every day more and more reason to suspect, that some amongst us are practising this method here. The frauds of the customs and excise have been made a pretence for introducing several regulations and laws of the most dangerous consequence to liberty; and if the late famous excise scheme had succeeded, our liberties had been utterly undone; because it would have done what, I think, will be the consequence of the scheme now under our consideration: It would have made our ministers masters of every popular election in the kingdom. Instead of lowering our duties, and correcting the neglects and abuses of our custom-house and excise officers, which would have been the proper, and I believe an effectual method for preventing smuggling, almost every session has produced some

new

‘ new scheme for increasing the powers of those
‘ officers; and I am afraid, their neglects and
‘ abuses have been conniv’d at, in order to in-
‘ crease the inconveniences we feel from smug-
‘ gling, that those inconveniences might after-
‘ wards be made a pretence for vesting some
‘ new dangerous power in our government.

‘ Upon this subject, Sir, I cannot let pass un-
‘ observed the late famous gin-act. By the esta-
‘ blish’d laws of the land, before that act was
‘ passed or thought of, no person could sell beer,
‘ ale, or spirituous liquors by retail without a li-
‘ cence, from the justices of the peace: The ju-
‘ stices had a power to refuse granting their li-
‘ cence or to recal it when they pleased; and if
‘ any one sold such liquors without a licence, he
‘ was by law made liable to severe penalties. Be-
‘ sides this, there were severe laws against all
‘ such as allowed drunkenness or tipling in their
‘ houses; and moreover, there were several of
‘ our gin-shops that might, I believe, have been
‘ indicted as a publick nuisance. By a neglect
‘ of all these remedies, tipling and drunkenness
‘ in gin-shops and ale-houses came to a mon-
‘ strous height, and was generally complained of,
‘ and often presented by our grand inquest with-
‘ out any redress, because our justices of peace,
‘ who are entirely under the direction of our mi-
‘ nisters, would not put the laws in execution
‘ against these enormities. At last when the
‘ people were work’d up to a sufficient rage
‘ against these enormities, we were told that the
‘ laws in being were not sufficient for preventing
‘ them; and tho’ every one that understood the
‘ law knew the contrary, we were prevailed on
‘ to agree to a new law, by which a very great
‘ addition was made to the civil list revenue, and
‘ every vintner, inn-keeper, alehouse-keeper, vic-
‘ tualler, coffee-house, and brandy-shop in the
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kingdom, brought under a most slavish dependence upon our justices of the peace and commissioners of excise.

That these were the effects of the gin-act must be apparent, Sir, to every one who considers, that the great increase of the civil list revenue pretended to arise from its share of the duties upon spirituous liquors, was owing to the enormities complained of, which were perhaps for that very reason, indulg'd; and for the same reason it was perhaps pretended, that no stop could be put to them by the laws in being, because if a stop had been put to them in that way, the increase which had arose to the civil list revenue by indulging those enormities, would have been annihilated, without any recompence from the aggregate fund. And if we consider the necessity every keeper of a publick-house lies under, for selling spirituous liquors in small quantities to his customers, the high penalties he is by that act subjected to if he does so, and the power given to the commissioners of excise and justices of the peace, to mitigate those penalties, we may see, that the keeper of every publick-house must be under a slavish dependence upon our commissioners of excise and justices of the peace; and consequently that he must expect to be ruin'd, should he give his vote against a court candidate at any election.

Thus we may see, Sir, that from all the inconveniences that arose either from a deficiency in our laws, or from a neglect in the execution of them, an advantage is taken for introducing some new regulation by which the power and influence of the crown may be increased. This has so constantly in all ages been the practice of our ministers, that one may from thence conclude, that every man, as soon

‘ as he becomes a minister, or as he calls himself
‘ a servant of the crown, begins to think himself
‘ in duty bound to use every art he can think of
‘ for destroying the liberties of the subject. This,
‘ I say, seems to have been the way of thinking
‘ among ministers in all ages, and, I am sure,
‘ in no age more apparently than in this. Shall
‘ we then, upon this or any other occasion, throw
‘ aside our jealousies and fears? Shall we put a
‘ trust in those who by their practices have given
‘ us so good reason to be convinced of their ha-
‘ ving a design to betray us? If we are under
‘ any present inconveniencies, if we are under
‘ any present difficulties with regard to the man-
‘ ning of our fleet, let us examine whether they
‘ proceed from the neglect or misconduct of
‘ those concerned in the executive part of our
‘ government, or from any real defect in our
‘ constitution. If from the former, let us remove
‘ those who have run us into such difficulties;
‘ and if from the latter, let us consider our con-
‘ stitution, and apply those remedies which are
‘ most consistent with its security and preserva-
‘ tion; but do not let us plunge into the pit
‘ which our enemies have dug for us on one
‘ hand, for fear of tumbling over the imaginary
‘ precipice which they frighten’d us with on the
‘ other.

‘ I am far from thinking, we can be under
‘ any difficulty in manning all the ships we can
‘ have occasion for in the present war; but sup-
‘ pose we were, there are many other remedies
‘ besides that now proposed. Let us give farther
‘ encouragements for foreign seamen to enter
‘ into our service: Let us call upon our allies for
‘ assistance: Let us hire the ships of other na-
‘ tions. We have now foreign troops in our
‘ pay, tho’ we have no war, nor are like to have
‘ any war upon the continent. Why do we not

' hire foreign ships, instead of foreign troops ?
 ' If we are under the difficulties suggested, we
 ' have occasion for the former, but we can have
 ' no occasion for the latter. Surely this nation is
 ' not yet reduced to such melancholy circum-
 ' stances, that we must either have no allies, or
 ' accept them upon such terms as they them-
 ' selves may be pleased to prescribe. The reme-
 ' dy now under our consideration is the very worst
 ' that could be thought of: It is publishing
 ' our distress to the world, and giving our
 ' enemies just cause to triumph over us. If the
 ' *French* or *Spaniards* owed us a grudge, they
 ' could in no way so effectually punish us, as by
 ' forcing us to destroy our constitution and give
 ' up our liberties, for the sake of defending our-
 ' selves against them. Our passing such a bill
 ' would give great joy to every *Frenchman* or
 ' *Spaniard* that understands any thing of our con-
 ' stitution, and as I am against making a holiday
 ' either in *France* or *Spain*, I must be against
 ' agreeing to this clause.'

Mr. Solicitor General stood up next, and spoke to this effect :

Mr. Solicitor
General's speech.

' Sir, Far be it from me to blame gentlemen
 ' for being jealous of the liberties of their coun-
 ' try, and cautious of agreeing to any thing that
 ' may look like an incroachment upon our con-
 ' stitution. This in general I shall always think
 ' laudable, but still, I must think, it may be push-
 ' ed too far, and when it is so, it will always be
 ' of infinite prejudice to the nation; therefore,
 ' gentlemen should as cautiously avoid opposing
 ' those powers that are absolutely necessary for
 ' the exercise of government, as they should a-
 ' void going rashly into the giving of any power
 ' that is unnecessary and dangerous. No human
 ' contrivance can form a government or system
 ' of

‘ of laws so perfect as to stand in need of no
‘ addition, alteration, or amendment: Future
‘ events make the imperfections appear; and as
‘ they appear, care must be taken to remedy
‘ them by new regulations. This is our case at
‘ present, and if the regulation proposed be ab-
‘ solutely necessary for the safety of the people,
‘ we must agree to it, even tho’ it should be at-
‘ tended with some danger to the liberties of the
‘ whole or a part of the people; but I hope to
‘ be able to shew, that it can be attended with
‘ no danger; and that the manning of our navy
‘ is absolutely necessary for the safety of the na-
‘ tion has, I think, been acknowledged by every
‘ one that has spoke in this debate.

‘ The two chief objections made to this regu-
‘ lation are, that it will be of dangerous conse-
‘ quence to the freedom of our elections, and
‘ that it will be such a hardship upon our seamen,
‘ as will force them into foreign service, and pre-
‘ vent men from breeding themselves to the sea
‘ for the future. I shall first consider the last of
‘ these two objections, and in order to shew,
‘ that the regulation now proposed will be no
‘ hardship upon our seamen, I shall beg leave to
‘ explain the condition they are now in, and the
‘ little alteration that is to be made in their cir-
‘ cumstances by this regulation. The power of
‘ pressing seamen into his Majesty’s service, how-
‘ ever much it may be doubted of by those, who
‘ have not examined our ancient records, is a
‘ power that has been vested in our government,
‘ I believe ever since our constitution had a be-
‘ ing. We have mentioned in some of our law
‘ books a statute made in the reign of *Richard*
‘ the first, for making some new regulations with
‘ regard to ships and seamen pressed into the
‘ King’s service, which shews, that pressing was
‘ customary before that time, and that it was

‘ then thought to be legal; and in the famous
 ‘ inquisition of *Queenborough*, in the reign of
 ‘ *Edward* the third, it is expressly given in charge
 ‘ to the inquest among other things, To en-
 ‘ quire of those mariners that were pressed for
 ‘ the King’s service, and deserted the same. I
 ‘ could mention several other records to show,
 ‘ that this power of pressing seamen into the
 ‘ King’s service has always been deem’d legal,
 ‘ and has in all times been look’d on as a part of
 ‘ the common law of *England*: Nay, it may
 ‘ even be said to be establish’d by statute; for
 ‘ in the reign of *Philip* and *Mary*, a statute was
 ‘ made, by which it was enacted, That watermen
 ‘ who withdraw themselves in time of pressing,
 ‘ shall suffer a fortnight’s imprisonment, and be
 ‘ prohibited to row any more upon the *Thames*,
 ‘ for a year and day after: By an act of the se-
 ‘ cond of *Queen Anne*, a certain allowance of
 ‘ able seamen is establish’d for ships in the coal
 ‘ trade; and it is enacted, That if any officer
 ‘ impress any of the men so allowed, he shall
 ‘ forfeit ten pound, for every man so impressed,
 ‘ besides cost of suit; and by another act of the
 ‘ same reign, it is declared, That no person of
 ‘ eighteen years of age shall be exempted from
 ‘ her Majesty’s service on account of his being an
 ‘ apprentice, who shall have been in sea-service
 ‘ before he bound himself an apprentice; and
 ‘ farther, it is by the same law enacted, That
 ‘ such watermen, bargemen, and lightermen, as
 ‘ shall not appear, when called on by the water-
 ‘ mens company, to be sent to her Majesty’s fleet,
 ‘ shall suffer one month’s imprisonment, and be
 ‘ disabled working on the *Thames* for two years.

‘ Thus it appears, Sir, that the power of pres-
 ‘ sing is by implication strongly established by
 ‘ statute; and the reason of its not being ex-
 ‘ pressly establish’d, was certainly because it was

‘ always

' always deem'd to be so expressly established by
 ' common law, that it was unnecessary to esta-
 ' blish it in express words by any statute. Ha-
 ' ving thus shewn, that the power of pressing is
 ' establish'd both by the common and statute
 ' law of this kingdom, I shall next examine the
 ' custom, which in all such cases explains the
 ' law; and it is certain, that the custom has al-
 ' ways been, not only to press seamen out of mer-
 ' chant ships, but also to search the ships for such
 ' as abscond or conceal themselves on board.
 ' These, Sir, are the circumstances our seamen
 ' are in at present; these are the circum-
 ' stances they have always been in: They may
 ' be pressed at land, if they are found in the
 ' streets or highways, or in any house where an
 ' officer can have access to them; they may be
 ' pressed from on board a ship, and the ship
 ' may be searched by an officer and press-gang,
 ' in order to come at those who conceal them-
 ' selves on board. What then is the great ad-
 ' ditional power desired? What is the great alte-
 ' ration to be made in a seaman's circumstances,
 ' by this clause? It is no more than this, that a
 ' seaman who absconds from his duty may be
 ' searched for in a house, as well as on ship-
 ' board, with this material difference, that a ship
 ' may be searched for him without the assistance
 ' of any civil officer; but a house is not to be
 ' searched without the assistance of a civil of-
 ' ficer.

' Is this, Sir, such an additional hardship upon
 ' our seamen, as will force them into foreign ser-
 ' vice, or prevent men from breeding themselves
 ' up to the sea for the future? Is it such an ad-
 ' ditional power to the crown, as will destroy the
 ' freedom of our elections? I am really surpris'd,
 ' Sir, to hear such imaginary dangers suggested.
 ' By the law, as it stands at present, the crown,

‘ as I have shewn, has a power to press any sea-
 ‘ man into the service, and may exercise that
 ‘ power against any one in the character of a
 ‘ common seaman, unless he makes himself a
 ‘ close prisoner in some house; yet we know by
 ‘ experience, that seamen are as little under the
 ‘ influence of the crown, or of any minister, with
 ‘ regard to their voting at elections, as any other
 ‘ part of his Majesty’s subjects; and the reason is
 ‘ very plain, a seaman may very easily prevent
 ‘ his being pressed, by entering himself on board
 ‘ some of our ships of war, as soon as a press
 ‘ is like to begin; and if he does his duty on
 ‘ board, no minister, nor even the captain under
 ‘ whose command he is, can inflict any pu-
 ‘ nishment upon him, or subject him to any
 ‘ hardship, on account of his not voting accord-
 ‘ ing to his directions at an election. Thus the
 ‘ case has always stood, with regard to the dan-
 ‘ ger of being pressed; and as the danger of be-
 ‘ ing search’d for may be avoided in the same
 ‘ manner, therefore we cannot suppose, it will
 ‘ have any effect upon the freedom of our sea-
 ‘ mens voting at elections.

‘ As to the terms seamen and seafaring-men,
 ‘ it is true, they are general; but, I think,
 ‘ they are easily understood, and have been suffi-
 ‘ ciently explained by custom; for no man is
 ‘ supposed to be a seaman or seafaring-man, un-
 ‘ less he is, or has within a few years been in ac-
 ‘ tual service at sea, as a common seaman; and
 ‘ none but such have ever been, or could, I
 ‘ think, should this clause pass into a law, be
 ‘ pressed as common seamen into his Majesty’s
 ‘ service: Therefore, masters and mates of mer-
 ‘ chant ships, or seamen that are or may be set-
 ‘ tled in some good business at land, can be
 ‘ brought into no danger, nor under any in-
 ‘ fluence, by this clause; and consequently with
 ‘ re-

‘ regard to seamen of all ranks and degrees, it
‘ can no way inroach upon the freedom of our
‘ elections, or any way endanger the liberties of
‘ the subject.

‘ I come now, Sir, to the other part of the
‘ objection, which relates to the influence which
‘ the power of searching for seamen may have
‘ upon house-keepers that are not seamen; and
‘ here in general I must observe, that there is
‘ not any one power the crown is, or can be in-
‘ vested with, but what might be made inconve-
‘ nient even to the most innocent, if those who
‘ have the exercise of it, should presume to make
‘ a bad use of it, and our judges should connive
‘ at their presumption; but in all cases these two
‘ causes must concur, before the exercise of any
‘ power can produce such an effect; for when
‘ any power is given by the legislature for a
‘ good purpose, it is the business and the duty of
‘ our judges to prevent its being turned to a bad
‘ purpose, by punishing every magistrate or offi-
‘ cer that shall be guilty of such a high pre-
‘ sumption. Therefore, whilst those employ’d
‘ in the executive part of our government, act
‘ regularly, or our judges decree justly, our li-
‘ berties can never be in danger from any power
‘ lodged by the legislature in the crown, for the
‘ necessary ends of government; and if all our offi-
‘ cers should become tyrannical, and our judges
‘ corrupt, I do not see how it would be possible
‘ to preserve either our liberties or properties,
‘ any other way than by a general insurrection;
‘ even tho’ the crown had not near so many pre-
‘ rogatives, or so much power, as it has at pre-
‘ sent.

‘ If the crown, Sir, had never, in any instance
‘ before, been possessed of a power to search
‘ houses by night or by day, there might be some
‘ room for being cautious of granting the power
‘ now

‘ now desired; but such a power the crown, or at
 ‘ least the judges and magistrates appointed by the
 ‘ crown, have in many cases been possessed of,
 ‘ ever since our constitution had a being. As se-
 ‘ veral of these cases have been mentioned by my
 ‘ honourable and learned friend, I need not repeat
 ‘ them; but one which he did not mention, I
 ‘ cannot omit taking notice of, which is that of
 ‘ arresting the King’s debtor; for upon a process
 ‘ at the King’s suit against any person, who is his
 ‘ debtor, the sheriff or his officer may break open
 ‘ any house in search of him, after he has signified
 ‘ his errand to the owner, and has been refused
 ‘ admittance. If it were possible to turn any such
 ‘ power towards influencing elections, surely it
 ‘ would be much more easy in this case to turn it
 ‘ to that purpose, than in the case now before us.
 ‘ The sheriff is a magistrate appointed by the
 ‘ crown, as well as our justices of peace, and she-
 ‘ riffs officers, I believe, are generally men of no
 ‘ better character than petty constables. Besides,
 ‘ it is a pretence that might be much oftner made
 ‘ use of; for to search houses for seamen can never
 ‘ be pretended, but in time of a hot press, and
 ‘ after the Lord High Admiral, or Commissioners
 ‘ of the Admiralty, have issued their warrants for
 ‘ that purpose, which they cannot do but upon
 ‘ extraordinary occasions, and such as happen but
 ‘ very rarely.

‘ Therefore, Sir, if we are to judge from ex-
 ‘ perience in other cases, which is certainly one of
 ‘ the surest ways of judging in all matters of a
 ‘ political nature, we must conclude, that the
 ‘ power of searching houses, in the case now be-
 ‘ fore us, can be of no bad consequence to the
 ‘ freedom of our elections, or inconvenient to any
 ‘ man in the kingdom, except to those seamen
 ‘ that abscond in time of danger from their coun-
 ‘ try’s service, and to such as render themselves
 ‘ suf-

‘ suspected of harbouring and concealing such seamen; and surely the publick is more interested in having his Majesty’s fleet manned in time of danger, than it is in having the debts due to his Majesty paid, or his debtors arrested.

‘ Thus, I hope, Sir, I have shewn, that there is nothing in either of the two chief objections that have been made against this clause; and as the navy is not yet sufficiently provided with seamen, after trying embargoes, pressing, and every other method that could be thought of, it is absolutely necessary to contrive some new method for supplying the deficiency. The encouraging of foreign seamen to enter into our service, or the hiring of foreign ships, are methods which cannot be trusted to; and they are methods which I shall never be for making use of, as long as we can have ships or seamen of our own, not only because we cannot rely so much upon the courage and fidelity of foreign seamen, as upon our own, but also because it would tend to the increasing of the naval power of some foreign neighbour, who may sometime hereafter be our enemy. Therefore, as the method now proposed is the best I have yet heard of, I must be for it till I hear some better offered; and if gentlemen think the amendment proposed would be more dangerous than the clause as it now stands, they may either reject the amendment, or they may leave out the word *require*, and only empower justices of the peace to grant their warrant for searching any house upon an information on oath, by some creditable person, that there is cause to suspect seamen being concealed in the house.

‘ As for that part of the clause which is to inflict penalties upon those, who shall harbour or conceal absconding seamen, it can affect none but such as knowingly do so, and such, I must think,

' think, deserve highly to be punished. A sea-
 ' man who absconds, when his country is in dan-
 ' ger, and stands in need of his assistance, I must
 ' suppose to be as heinous a traitor, as any that
 ' can be declared so by law; and therefore, I
 ' think, he ought to be treated with as much ri-
 ' gour as any traitor whatsoever; for which rea-
 ' son, I can neither think it cruel nor inhuman to
 ' punish a mother for concealing her son, or a
 ' daughter for concealing her father: It is what is
 ' usually done in cases of treason; it is absolutely
 ' necessary for the safety of the commonwealth;
 ' for if any merciful allowance is in such cases to
 ' be made to human weakness, it ought to be left
 ' to his Majesty, as other acts of mercy are, that
 ' he may, in his royal wisdom, dispense it, or re-
 ' fuse it, according to the circumstances of the
 ' case, and the merits of the persons that sue for
 ' it.

' I am sorry, Sir, to find that we are in such
 ' distress as we are at present, for want of seamen:
 ' I wish it were otherwise; I wish we had in time
 ' of peace thought of methods for preventing it;
 ' and I shall acknowledge, it might have been
 ' foreseen: I believe it was foreseen by our mini-
 ' sters; but as popular assemblies are not generally
 ' very good at foreseeing distant dangers, and not
 ' easily persuaded to take proper measures for pre-
 ' venting them, especially when the measures are
 ' such, as must put them to an immediate expence,
 ' our ministers would not venture to propose any
 ' such measures, because they despaired of meeting
 ' with success. This, I believe, was the true rea-
 ' son of their neglecting to do so, and not their
 ' desire to keep up a more numerous standing ar-
 ' my than was necessary; for I think it was happy
 ' for us, that we kept up in time of peace such a
 ' number of regular troops as we did, because if
 ' we had not, we must have made greater levies
 ' for

‘ for the land service at the beginning of this war
 ‘ than we did, and this would have distressed us
 ‘ still more, with regard to the sea service, than
 ‘ we are at present. But suppose our distress to be
 ‘ owing to some neglect or misconduct in our mi-
 ‘ nisters, will our removing or punishing them re-
 ‘ lieve us from that distress? Or will our agreeing
 ‘ to what is now proposed interrupt our inquiry
 ‘ into their conduct, or prevent our being able to
 ‘ remove or punish them?’

‘ The bill now proposed, the very proposition,
 ‘ Sir, even though it should be rejected, will pub-
 ‘ lish our distress to our enemies; but I had rather
 ‘ they should hear of our distress by our agreeing
 ‘ to such a bill, than that they should become
 ‘ sensible of it by the success of their privateers
 ‘ against our merchants, or by the success of their
 ‘ squadrons against the squadrons of this nation.
 ‘ Whatever distress our enemies may suppose us to
 ‘ be in, they can expect no good to themselves
 ‘ from our passing this bill; because we passed a
 ‘ bill of the same nature in the late glorious war
 ‘ in *Queen Anne’s* time, when we were so success-
 ‘ ful both by land and sea. It will only convince
 ‘ them, that we are resolved to exert our whole
 ‘ strength against them, and the terror of this
 ‘ will, I hope, soon bring them to reason.’

The next that spoke was *Sir John Hynd Cotton*,
 whose speech was in substance thus :

‘ Sir, I have observed of late years, that there
 ‘ is a party of men in this kingdom, who upon
 ‘ all occasions declare themselves for an inquiry
 ‘ into the conduct of our ministers, and for pu-
 ‘ nishing them, if they should be found to deserve
 ‘ it; yet they oppose every previous step that is
 ‘ necessary for entering upon an inquiry, and if it
 ‘ were set on foot, I believe, they would oppose
 ‘ every thing that might tend towards rendering
 ‘ it

*Sir John
 Hynd Cotton’s
 speech.*

' it effectual. The same party of men, Sir, al-
 ' ways declare, that we ought to be jealous of our
 ' liberties, and cautious of granting any power
 ' that may contribute to their overthrow; yet
 ' they are always ready to approve of every thing
 ' proposed by the court, and to think every power
 ' necessary for the exercise of government which
 ' our ministers declare to be so. I hope, there are
 ' none of this party in this assembly; for every
 ' gentleman here has, I hope, so much honour as
 ' to be sincere in every thing he professes. I must
 ' acknowledge, Sir, that I am, and, I hope, al-
 ' ways shall be truly jealous of every new power
 ' that is, or can be asked by ministers: Whether
 ' I push this jealousy too far upon the present oc-
 ' casion, I must leave to the house to judge; but
 ' I must declare that, in my opinion, the power
 ' now desired never can be necessary, that it is far
 ' from being necessary upon the present occasion,
 ' that it would be of the most dangerous conse-
 ' quence to our constitution, and that it would at
 ' last destroy the very end for which it is said to
 ' be desired.

' That I may regularly follow the honourable
 ' and learned gentleman, I shall begin with the
 ' last. He has been pleased, Sir, to shew, what
 ' a hard condition our seamen are in by the laws
 ' as they now stand; and, says he, the adding but
 ' one hardship more can no way discourage our
 ' seamen, or lessen the breed of that useful body
 ' of men. Sir, when a rope is stretched to its
 ' utmost length, if you attempt to stretch it but
 ' one inch further, it breaks. He was likewise
 ' pleased to dip into our ancient records, in order
 ' to shew what has not, I think, been denied in
 ' this debate. That upon great and sudden emer-
 ' gencies the King has by his prerogative a power
 ' to press seamen into his service, is what no gen-
 ' tleman denies; but every gentleman must grant,
 ' that

‘ that this prerogative ought not to be made use
‘ of upon every trifling occasion; and that when
‘ it is made use of, it ought to be with as much
‘ lenity as possible, and it ought to be accompani-
‘ ed with as many encouragements as it is in the
‘ power of the government to bestow. In the
‘ exercise of this prerogative, perhaps the custom
‘ may have been to search ships for seamen who
‘ conceal themselves on board; but I doubt much
‘ whether an officer with a press-gang has by law
‘ a power to break open the doors or hatches of a
‘ ship, in case the master should refuse to open
‘ them, especially when the ship happens to be in
‘ any river or port which is not within the jurif-
‘ diction of the Admiralty. But whatever may
‘ be the law in this case, we know that our sea-
‘ men are already subject to many hardships which
‘ the rest of the people are free from; and there-
‘ fore, when we are contriving a bill for the en-
‘ couragement and increase of seamen, we ought
‘ not surely to heap new hardships upon them,
‘ because, whether those hardships be insufferable
‘ or no, is a question that is not to be determined
‘ by the opinion of this house, and much less by
‘ the opinion of our learned gentlemen of the long
‘ robe, but by the opinion of our seamen and o-
‘ ther people without doors; for if they think
‘ them insufferable, they will certainly endeavour
‘ to avoid them, our seamen by running into fo-
‘ reign service, and the rest of our people by tak-
‘ ing care not to breed themselves or their chil-
‘ dren to any sort of sea service.

‘ As to the meaning that has been, or may be
‘ put upon the words seaman or seafaring-man, I
‘ shall not pretend to determine; but this I am
‘ well assured of, Sir, that mates of merchant
‘ ships, and seamen settled in business at land,
‘ have been sometimes pressed into his Majesty’s
‘ service; and if we should expressly authorise
‘ pressing

' pressing by statute, I do not know but a liberty
 ' might be taken to press the captains or masters
 ' of coasting or trading vessels, and even such sea-
 ' men or sea captains as had acquired or succeeded
 ' to a land estate, and thought themselves settled
 ' in an easy manner for the remaining part of their
 ' lives. Even in the late Queen's time, when an
 ' act of this nature was passed for one year, it was
 ' thought necessary to restrain the meaning of the
 ' word seamen, to such as had been in the service in
 ' her Majesty's reign, which was then in its fourth
 ' year only. From hence, I think, it is evident,
 ' that if we intend to authorise pressing by an ex-
 ' press statute, we ought to make several excep-
 ' tions and regulations, in order to prevent its be-
 ' ing a most intolerable oppression upon many of
 ' his Majesty's best subjects; and we ought to take
 ' care, that common seamen returning from a
 ' voyage shall have an opportunity to offer them-
 ' selves as volunteers, and that no seaman shall be
 ' rejected as a volunteer, and afterwards accepted
 ' of as a pressed man, in order to intitle the officer
 ' to a reward for pressing him.

' Now, Sir, with regard to the influence this
 ' bill may have upon our elections, I am really
 ' surpris'd to hear gentlemen pretend, that our
 ' seamen vote as freely as any other sort of men
 ' in the kingdom. Most of the boroughs upon
 ' our coast are a convincing proof of the contrary.
 ' Are not many of these boroughs now called
 ' Admiralty boroughs, because they always return
 ' such representatives as the board of Admiralty
 ' pleases to direct? The very nature of things is a
 ' demonstrative proof, that seamen must be under
 ' the influence of the Admiralty board in elections;
 ' for let a seaman be never so exact in the perfor-
 ' mance of his duty, his commander may subject
 ' him to many hardships and inconveniences on
 ' board, if he has or is ordered to have a pique

‘ at him upon any other account. Besides, all
‘ seamen while they are on board, hope to be
‘ preferred in the navy, and will of course take
‘ every method they can think of for recommend-
‘ ing themselves to the government. Even seamen
‘ that are settled on shoar, must be under the in-
‘ fluence of the Admiralty at elections, otherwise
‘ they may depend upon being pressed as soon as
‘ an opportunity offers, and of being hardly used,
‘ whilst they are in the government’s service.
‘ They have no way to avoid this, but by leaving
‘ their business and absconding, and even this
‘ melancholy resource you are now to take away
‘ from them: Therefore, if this bill should pass,
‘ we must suppose, that all seamen, be where they
‘ will, let their circumstances be what they will,
‘ must for the future be the absolute slaves of a
‘ minister, and must vote at all elections, as he
‘ shall be pleased to direct.

‘ Then with regard to the rest of the subjects
‘ who have not the misfortune to be seamen, is it
‘ not a terrible thing for a man to be in continual
‘ danger of having his house laid open to a petty
‘ constable and a press-gang, by day or by night?
‘ Besides the inconvenience of being disturbed, he
‘ must never stir from home, or if he does, he
‘ must not take the key of any closet along with
‘ him; because a press-gang may come and break
‘ it open before he returns. The power of search-
‘ ing for the King’s debtors is, I shall grant, a
‘ dangerous power, and might be made a very
‘ bad use of; but I must observe, that this power
‘ was introduced, when sheriffs were not named
‘ by the crown, but chosen by the respective
‘ counties; and though sheriffs officers are seldom
‘ men of any great character, they are more to be
‘ trusted to than petty constables, because the for-
‘ mer give security to the sheriff for the due exe-
‘ cution of their office, and the sheriff himself is

‘ answerable for their behaviour; whereas petty
 ‘ constables give no security, nor is any justice of
 ‘ the peace answerable for the damage they may
 ‘ occasion. I could shew, that the power now
 ‘ desir’d is, on several other accounts, more dan-
 ‘ gerous than the power of searching for the
 ‘ King’s debtors; but suppose it were not, is one
 ‘ dangerous power any argument for granting an-
 ‘ other of the same nature? If the power already
 ‘ granted has never been made a bad use of, the
 ‘ granting another of the same nature might be
 ‘ the cause of both’s being made a bad use of in
 ‘ time to come; because an effect may be produ-
 ‘ ced, by making a bad use of both, which could
 ‘ never have been hoped for by making a bad use
 ‘ of one. The hopes of impunity is what occa-
 ‘ sions a power’s being made a bad use of; and
 ‘ that impunity may be secured by making a bad
 ‘ use of two powers, which could never have been
 ‘ expected from making a bad use of one.

‘ This, Sir, is the great danger, and it is not
 ‘ easy to determine, where our security ends, and
 ‘ where the danger begins. One thing, however,
 ‘ is certain, that if we go on thus yearly putting
 ‘ new powers into the hands of our ministers, the
 ‘ danger will become not only unavoidable but
 ‘ irretrievable. Our officers will be regular, our
 ‘ judges will be just, as long as they are in danger
 ‘ of being called to an account by Parliament, if
 ‘ they act otherwise. If we put it once in their
 ‘ power to guard against this danger, they will act
 ‘ here as they do in all other arbitrary govern-
 ‘ ments; and this will be the certain consequence,
 ‘ if we put it in the power of our ministers to
 ‘ over-awe or influence the majority of our elec-
 ‘ tions. It is by having our Parliaments always
 ‘ dependent upon our ministers, and by this me-
 ‘ thod only, we can be reduced to the lamentable
 ‘ circumstances of having no remedy but a general
 ‘ insur-

‘ insurrection, against the injustice of our judges,
 ‘ and oppression of our officers; and such Parlia-
 ‘ ments will certainly provide our ministers with
 ‘ an army sufficient to protect them against an in-
 ‘ surrection of the people; so that we can then
 ‘ never expect any redress but by a mutiny in our
 ‘ army, and by that, as in *Turkey*, we may see a
 ‘ change in the persons of our oppressors, but can
 ‘ expect no relief from oppression.

‘ Thus, Sir, I think, it is apparent, that this
 ‘ power, added to all the powers our ministers are
 ‘ already possessed of, will be of the most danger-
 ‘ ous consequence to our constitution; and consid-
 ‘ ering how long our government has subsisted
 ‘ without it, I am surprised to hear any gentleman
 ‘ pretend, that it is now absolutely necessary for
 ‘ the exercise of government. If seamen are now
 ‘ more unwilling to enter into the government’s
 ‘ service than they were formerly, it must be ow-
 ‘ ing to some late misconduct in our ministers;
 ‘ and therefore, the best encouragement we can
 ‘ propose for our seamen is, to remove those that
 ‘ have disobliged them. The learned gentleman
 ‘ says, our agreeing to this clause can no way pre-
 ‘ vent our being able to remove any minister. Is
 ‘ not this, Sir, begging the question? If it adds
 ‘ to a minister’s influence at elections, will it not
 ‘ tend to prevent its being in the nation’s power
 ‘ to remove him by any sort of parliamentary me-
 ‘ thod? Let us consider, Sir, that this is the very
 ‘ last session of a septennial Parliament, and that
 ‘ a new septennial Parliament is next summer to
 ‘ be chosen; and then we may perhaps see, why
 ‘ such a power is desired at this critical conjunc-
 ‘ ture.

‘ For my part, Sir, I have not heard one argu-
 ‘ ment made use of for shewing, that this power
 ‘ is necessary at all, and much less that it is ne-
 ‘ cessary upon the present occasion: I say, I have

' not heard one argument for this purpose, but
 ' one drawn from a news-paper, by a gentleman
 ' no way concerned in the Admiralty. From
 ' that news-paper, indeed, he has endeavoured to
 ' frighten us with an invasion, and to make us
 ' believe, that if we do not make a surrender of
 ' our liberties to our ministers, the *French* and
 ' *Spaniards* will come and take them from us;
 ' but as he confessed, he knew nothing of the
 ' matter, and as those who ought to know, have
 ' not been pleased to declare, that we are in any
 ' real danger, I shall not be such a child, as to be
 ' frightened out of my senses by such an imaginary
 ' bugbear.'

The last that spoke in this debate was *William Pitt*, Esq; whose speech was in substance thus.

Mr. Pitt's
speech.

' Sir, The two honourable and learned gentle-
 ' men who spoke in favour of this clause, were
 ' pleased to shew, that our seamen are half slaves
 ' already, and now they modestly desire, you
 ' should make them wholly so. Will this increase
 ' your number of seamen? Or will it make those
 ' you have more willing to serve you? Can you
 ' expect, that any man will make himself a slave
 ' if he can avoid it? Can you expect, that any
 ' man will breed his child up to be a slave? Can
 ' you expect, that seamen will venture their lives
 ' or their limbs for a country that has made them
 ' slaves? Or can you expect, that any seaman will
 ' stay in the country, if he can by any means
 ' make his escape? Sir, if you pass this law, you
 ' must, in my opinion, do with your seamen, as
 ' do with their galley slaves in *France*; you must
 ' chain them to their ship, or chain them in cou-
 ' ples, when they are ashore. But suppose this
 ' should both increase the number of your seamen,
 ' and render them more willing to serve you, it
 ' will render them incapable. It is a common
 ' obser-

‘ observation, that when a man becomes a slave,
‘ he loses half his virtue. What will it signify
‘ to have your ships all manned to their full com-
‘ pliment? Your men will neither have courage
‘ nor a temptation to fight; they will strike to the
‘ first enemy that attacks them, because their con-
‘ dition cannot be made worse by a surrender.
‘ Our seamen have always been famous for a
‘ matchless alacrity and intrepidity in time of dan-
‘ ger: This has saved many a *British* ship, when
‘ other seamen would have run below deck, and
‘ left the ship to the mercy of the waves, or per-
‘ haps a more cruel enemy, a pirate. For God
‘ sake, Sir, let us not by our new projects put our
‘ seamen into such a condition as must soon make
‘ them worse than the cowardly slaves of *France*
‘ or *Spain*.

‘ The learned gentlemen were next pleased to
‘ shew us, that the government was already
‘ possessed of such a power as is now desired; and
‘ how did they shew it? Why, Sir, by shewing
‘ that this was the practice in the case of felony,
‘ and in the case of those who are as bad as felons,
‘ I mean those who rob the publick, or dissipate
‘ the publick money. Shall we, Sir, put our
‘ brave sailors upon the same footing with felons
‘ and publick robbers? Shall a brave honest sailor
‘ be treated as a felon, for no other reason, but
‘ because after a long voyage he has a mind to
‘ solace himself amongst his friends in the country,
‘ and for that purpose absconds for a few weeks,
‘ in order to prevent his being pressed upon a
‘ *Spithead* or some such pacifick expedition? For
‘ I dare answer for it, there is not a sailor in *Bri-*
‘ *tain*, but would immediately offer his service,
‘ if he thought his country in any real danger, or
‘ expected to be sent upon an expedition, where
‘ he might have a chance of gaining riches to
‘ himself, and glory to his country. I am really
‘ ashamed,

‘ ashamed, Sir, to hear such arguments made use
 ‘ of in any case, where our seamen are concerned.
 ‘ Can we expect, that brave men will not resent
 ‘ such treatment? Could we expect, they would
 ‘ stay with us, if we should make a law for treat-
 ‘ ing them in such a contemptible manner?

‘ But suppose, Sir, we had no regard for our
 ‘ seamen, I hope we shall have some regard for
 ‘ the rest of the people, and for ourselves in par-
 ‘ ticular; for I think, I do not in the least exag-
 ‘ gerate, when I say, we are laying a trap for the
 ‘ lives of all the men of spirit in the nation.
 ‘ Whether the law, when made, is to be carried
 ‘ into execution, I do not know; but if it is, we
 ‘ are laying a snare for our own lives. Every
 ‘ gentleman of this house must be supposed, I
 ‘ hope justly, to be a man of spirit. Would any
 ‘ of you gentlemen allow this law to be executed
 ‘ in its full extent? If at midnight a petty constab-
 ‘ le with a press-gang should come thundering
 ‘ at the gates of your house in the country, and
 ‘ should tell you he had a search warrant, and
 ‘ must search your house for seamen, would you
 ‘ at that time of night allow your gates to be
 ‘ opened? I protest I would not: What then
 ‘ would be the consequence? He has by this law
 ‘ a power to break them open. Would any of
 ‘ you patiently submit to such an indignity?
 ‘ Would not you fire upon him, if he attempted
 ‘ to break open your gates? I declare I would,
 ‘ let the consequence be never so fatal; and if you
 ‘ happened to be in the bad graces of a minister,
 ‘ the consequence would be, either your being
 ‘ killed in the fray, or hanged for killing the con-
 ‘ stable or some of his gang. This, Sir, may be
 ‘ the case even of some of us here, and upon my
 ‘ honour I do not think it an exaggeration to sup-
 ‘ pose it may.

‘ The

‘ The honourable gentlemen say, no other remedy has been propos’d. Sir, there have been several other remedies propos’d. Let us go into a committee to consider of what has been or may be proposed. Suppose no other remedy should be offered, to tell us we must take this, because no other remedy can be thought of, is the same with a physician’s telling his patient, Sir, there is no known remedy for your distemper, therefore you shall take poison ; I’ll cram it down your throat. I do not know how the nation may treat its physicians ; but, I am sure, if my physician told me so, I should order my servants to turn him out of doors.

‘ Such desperate remedies, Sir, are never to be apply’d but in cases of the utmost extremity ; and how we come at present to be in such extremity I cannot comprehend. In Queen *Elizabeth’s* time, we were not thought to be in any such extremity, tho’ we were then threatened with the most formidable invasion that was ever prepared against this nation. In our wars with the *Dutch* a more formidable maritime power than *France* and *Spain* now are, if they were united against us, we were not supposed to be in any such extremity, either in the time of the Commonwealth, or in King *Charles II’d’s* time. In King *William’s* war against *France*, when their naval power was vastly superior to what it is at present, and when we had more reason to be afraid of an invasion than we can have at present, we were thought to be in no such extremity. In Queen *Anne’s* time, when we were engaged in a war both against *France* and *Spain*, and were obliged to make great levies yearly for the land service, no such remedy was ever thought of but for one year only, and then it was found to be far from being effectual.

‘ This, Sir, I am convinced would be the case
 ‘ now, as well as it was then. It was at that
 ‘ time computed, that by means of such a law
 ‘ as this, there was not above 1400 seamen
 ‘ brought into the government’s service; and
 ‘ considering the methods that have been already
 ‘ taken, and the reward proposed by this bill to
 ‘ be offered to volunteers, I am convinced, that
 ‘ the most strict and general search would not
 ‘ bring in half the number. Shall we then for
 ‘ the sake of adding 6 or 700 or even 1400 sea-
 ‘ men to his Majesty’s navy, expose our consti-
 ‘ tution to so much danger, and every house-
 ‘ keeper in the kingdom to the danger of being
 ‘ disturbed at all hours in the night?

‘ But suppose this law were to have a great
 ‘ effect, it can be called nothing but a tempo-
 ‘ rary expedient; because it can no way contri-
 ‘ bute towards increasing the number of our sea-
 ‘ men, or towards rendering them more willing
 ‘ to enter into his Majesty’s service. It is an
 ‘ observation made by *Bacon* upon the laws
 ‘ passed in *Henry VIIIth*’s reign, that all of them
 ‘ were calculated for futurity as well as the pre-
 ‘ sent time. This shewed the wisdom of his
 ‘ councils: I wish I could say so of our present.
 ‘ We have for some years thought of nothing
 ‘ but expedients for getting rid of some pre-
 ‘ sent inconvenience by running ourselves into a
 ‘ greater. The case or convenience of poste-
 ‘ rity was never less thought of, I believe, than
 ‘ it has been of late years. I wish I could see an
 ‘ end of these temporary expedients; for we
 ‘ have been pursuing them so long, that we
 ‘ have almost undone our country, and over-
 ‘ turned our constitution. Therefore, Sir, I shall
 ‘ be for leaving this clause out of the bill, and
 ‘ every other clause relating to it. The bill will
 ‘ be of some service without them; and when

we

‘ we have passed it, we may then go into a committee to consider of some lasting methods for increasing our stock of seamen, and for encouraging them upon all occasions to enter into his Majesty’s service.’

After this the committee was put off to the 9th, when the following debate happen’d upon the clause for examining constables upon oath, and fining them in case of neglect, &c. in which Sir *John Barnard* was the first that spoke, whose speech was to the following effect :

Debate upon the clause for examining constables.

Mr. Chairman,

‘ Sir, It is the peculiar happiness of *Englishmen*, that no law can be made without the consent of their representatives, and I hope no such infatuation can ever fall upon them, as may influence them to chuse a representative capable of concurring in absurdities like this. The folly, the iniquity, the stupidity of this clause, can only be conceiv’d by hearing it repeated ; it is too flagrant to be extenuated, and too gross to admit exaggerations ; to oblige a man to make oath against himself, to subject himself by his own voice to penalties and hardships, is at once cruel and ridiculous, a wild complication of tyranny and folly. To call upon any man to accuse himself, is only to call upon him to commit perjury, and has therefore been always accounted irrational and wicked ; in those countries where it is practised, the confession is extorted by the rack, which, indeed, is so necessary on such occasions, that I should not wonder to hear the promoters of this clause openly declaring for the expediency of tortures. Nothing is more evident, than that this bill, however the importance of the occasion may be magnified, was drawn up without reflection, and that the clauses were never

Sir *John Barnard*’s speech.

‘ never understood by those that offer’d them;
 ‘ errors like these must arise only from precipita-
 ‘ tion and neglect, for they are too gross to be
 ‘ committed either by ignorance or design, to ex-
 ‘ pose such absurdities is indeed easy, but not plea-
 ‘ sing; for what end is answer’d by pointing at
 ‘ folly, or how is the publick service advanc’d
 ‘ by shewing that the methods proposed, are
 ‘ totally to be rejected? Where a proposition is of
 ‘ a mix’d kind, and only erroneous in part, it is
 ‘ an useful and no disagreeable task to seperate
 ‘ truth from error, and disintangle from ill conse-
 ‘ quences, such measures as may be persued with
 ‘ advantage to the publick; but mere stupidity
 ‘ can only produce compassion, and afford no op-
 ‘ portunities for inquiry or dispute.’

Then Admiral *Wager* replied,

Admiral
Wager's
 speech.

‘ Sir, This clause however contemptuously
 ‘ treated, has been already passed into a law by a
 ‘ Parliament which brought no dishonour upon
 ‘ the *British* nation, by a Parliament which was
 ‘ courted and dreaded by the greatest part of the
 ‘ universe, and was drawn up by a ministry that
 ‘ have given their posterity no reason to treat
 ‘ them with derision and contumely. In the
 ‘ reign of the late great Queen, this method of
 ‘ proceeding was approved and establish’d, and
 ‘ we may judge of the propriety of the measures
 ‘ followed in that war, by the success which they
 ‘ procured. Those therefore by whom this bill
 ‘ was drawn up have committed no new absurdi-
 ‘ ties, nor have proposed any thing which was
 ‘ not enacted by the wisest of our predecessors,
 ‘ in one of the most illustrious periods of our hi-
 ‘ story.’

Philips Gybbon, Esq; answer’d,

Mr. *Gyb-
 bon's* speech.

‘ Sir, I am far from thinking a proposition
 ‘ suffi-

‘ sufficiently defended by an assertion, that it was
‘ admitted by our predecessors; for tho’ I have
‘ no inclination to villify their memory, I may
‘ without scruple affirm, that they had no preten-
‘ sions to infallibility, and that there are in many of
‘ our statutes instances of such ignorance, credu-
‘ lity, weakness, and error, as cannot be consider’d
‘ without astonishment. In questions of an ab-
‘ struse and complicated nature, it is certain, Sir,
‘ that experience has taught us what could never
‘ have been discover’d previously, by the wisdom
‘ of our ancestors, and we have discover’d by their
‘ consequences the impropriety of many practices
‘ which they approved, and which we should
‘ have equally applauded in the same circum-
‘ stances. But to what purpose is observation, if
‘ we must shut our eyes against it, and appeal
‘ for ever to the wisdom of our ancestors? If
‘ we must fall into error, merely because they
‘ were mistaken, and rush upon rocks out of
‘ veneration to those who were wreck’d against
‘ them? In questions easily to be examin’d, and
‘ determinations which comprised no perplexing
‘ contrarieties of interest, or multiplicity of cir-
‘ cumstances, they were equally liable with our-
‘ selves to be supine and negligent, to sink into
‘ security, or be surprized by haste. That the
‘ clause now before us was enacted by them, must
‘ be ascribed merely to the hurry of the sessions
‘ in which it was brought before them. A time
‘ in which so many inquires of the highest im-
‘ portance were to be made, and great diversity
‘ of views to be regarded, that it is no wonder
‘ that some absurdities should escape without de-
‘ tection. In the fourth of the reign of the late
‘ Queen, this bill was brought in, as now at the
‘ latter end of a session, when the attention of the
‘ Parliament was fatigued and distracted, and it was
‘ hurried through both houses, and ratified by the
‘ Queen,

‘ Queen, with very little consideration. But then
 ‘ as this circumstance may be justly termed an
 ‘ extenuation of their error, it ought to be a lesson
 ‘ of caution to us, that we may not be in the like
 ‘ manner betrayed into the same weakness.’

Henry Pelham, Esq; next rose up.

*Mr. Pelham's
 speech.*

‘ Sir, The conduct of our predecessors seems
 ‘ not to stand in need of any excuse ; for it might
 ‘ be easy to vindicate it by arguments, but that it
 ‘ is more proper to approve it by imitation.
 ‘ Whenever the bill was passed, or how hastily
 ‘ soever the law was enacted, it was, I believe,
 ‘ rather the effect of necessity than of inadverten-
 ‘ cy ; of the same necessity which now presses,
 ‘ and which is very ill consulted by tedious de-
 ‘ bates. They were then involv'd in a war, and
 ‘ were not so distracted by private interests as not
 ‘ to unite in the most vigorous opposition of their
 ‘ enemies. They knew that the publick good is
 ‘ often promoted by the temporary inconveniencies
 ‘ of individuals ; and when affairs of the highest
 ‘ importance demanded their attention, when the
 ‘ security of the whole nation, and the happiness
 ‘ of their posterity were the subject of their inqui-
 ‘ ries, they wisely suffer'd less considerations to
 ‘ pass without superfluous and unseasonable solli-
 ‘ tude. How justly they reason'd, Sir, and what
 ‘ vigour their resolutions gave to the military ope-
 ‘ rations, our victories are a sufficient proof : And
 ‘ if experience be the surest guide, it cannot be
 ‘ improper to imitate those, who in the same cir-
 ‘ cumstances with ourselves, found means to raise
 ‘ the honour, and improve the commerce of their
 ‘ country. That our circumstances are the same
 ‘ with those of the Parliament by which this law
 ‘ was made, is obvious beyond dispute ; or where
 ‘ they vary, the difference is perhaps to our dis-
 ‘ advantage. We have, Sir, the same enemies,
 ‘ or,

' or, at least, have reason to apprehend the same;
 ' but have little hope of the same allies. The pre-
 ' sent war is to be carried on at a greater distance,
 ' and in more places at the same instant; we can-
 ' not therefore supply our ships occasionally, but
 ' must raise great numbers in a short time. If
 ' therefore it was then concluded, that the me-
 ' thod under our examination was useful; if mea-
 ' sures not eligible in themselves, may be autho-
 ' riz'd by necessity, why may not we, in com-
 ' pliance with the same exigencies, have recourse
 ' to the same expedients?'

Then Sir *William Yonge* spoke.

' Sir, How much weight is added to the de-
 ' termination of the Parliament, by the dignity of
 ' their procedure, and the decency of their dispu-
 ' tations, a slight knowledge of mankind is suffi-
 ' cient to evince. It is well known that go-
 ' vernment is supported by opinion; and that
 ' he who destroys the reputation, destroys the
 ' authority of the legislative power. Nor is it
 ' less apparent, that he who degrades debate into
 ' scurility, and destroys the solemnity of consulta-
 ' tion, endeavours to sink the Parliament into con-
 ' tempt. It was therefore, Sir, with indignation
 ' and surprise that I heard the clause before us
 ' censur'd with such indecency of language, and
 ' the authors of it treated with contumelies and
 ' reproaches that mere error does not deserve,
 ' however apparent, but which were now vented
 ' before any error was detected.

' I know not, Sir, why the gentlemen who
 ' were thus indecently attack'd, have suffer'd such
 ' reproaches without censure and without reply.
 ' I know not why they have omitted to put the
 ' honourable gentleman in mind of the respect
 ' due to this assembly, or to the characters of
 ' those whom he opposes; gentlemen equally
 ' skill'd

*Sir William
 Yonge's
 speech.*

‘ skill’d with himself in the subject of our inquiries; and whom his own attainments, however large, or his abilities, however comprehensive, cannot give him a right to charge with ignorance or folly. To reproach men with incapacity, is a cheap method of answering their arguments, but a method which the rules of this house ought to exclude from our debates, as the general civility of the world has banish’d it from every other place of concourse or conversation. I for my part, Sir, shall always endeavour to confine my attention to the question before us, without suffering my reason to be biassed, or my enquiries diverted by low altercations or personal animosities; nor when any other man deviates into reproachful and contemptuous language, shall I be induc’d to think more highly of either his arguments or capacity.’

Sir John Barnard replied.

*Sir John
Barnard's
reply.*

‘ Sir, I have always heard it represented as an instance of integrity, when the tongue and heart move in concert, when the words are representations of the sentiments; and have therefore hitherto endeavour’d to explain my arguments with perspicuity, and impress my sentiments with force; I have thought it hypocrisy to treat stupidity with reverence, or to honour nonsense with the ceremony of a confutation. As knavery so folly that is not reclaimable, is to be speedily dispatch’d, business is to be freed from obstruction, and society from a nuisance. Nor, Sir, when I am censured by those whom I may offend by the use of terms correspondent with my ideas, will I by a tame and silent submission give reason to suspect that I am conscious a fault, but will treat the accusation with open contempt, and shew no greater regard to the abettors, than to the authors of absurdity. That

‘ decency

‘decency is of great use in publick debates, I shall
 ‘readily allow, it may sometimes shelter folly from
 ‘ridicule, and preserve villany from publick de-
 ‘tection; nor is it ever more carefully support-
 ‘ed, than when measures are promoted that no-
 ‘thing can preserve from contempt, but the so-
 ‘lemnity with which they are establish’d. Decen-
 ‘cy is a proper circumstance; but liberty is the
 ‘essence of parliamentary disquisitions: Liberty is
 ‘the parent of truth; but truth and decency are
 ‘sometimes at variance: All men and all proposi-
 ‘tions are to be treated here as they deserve; and
 ‘there are many who have no claim either to re-
 ‘spect or decency.’

Thomas Winnington, Esq; then rose.

‘Sir, That it is improper in its own nature, and
 ‘inconsistent with our constitution, to lay any
 ‘man under an obligation to accuse himself, can-
 ‘not be denied; it is therefore evident, that some
 ‘amendment is necessary to the clause before us.
 ‘I have for this reason drawn up an amendment,
 ‘Sir, which if approved by the committee, will,
 ‘in my opinion, remove all the objections to this
 ‘part of the bill, and by reconciling it with our
 ‘natural and legal rights, I hope, induce those to
 ‘approve it, who have hitherto opposed it. I
 ‘therefore propose that these words should be sub-
 ‘stituted, instead of those which are the subject of
 ‘the debate, or some other to this purpose: “That
 “no person shall be liable to be fined by virtue of
 “this act, unless a witness being examined, shall
 “make oath of the misdemeanour or neglect.”
 ‘Thus the necessity of examining men upon oath
 ‘in their own cause, will be intirely taken away,
 ‘and as the clause will then stand, there will re-
 ‘main no suspicion of injustice, or oppression, be-
 ‘cause none can be practised without the concur-
 ‘rence of many persons of different interests.’

*Mr. Win-
 nington's
 speech.*

This

This clause, tho' agreed to in the committee, was at last rejected.

Horatio Walpole, Esq; spoke next to this effect :

‘ Mr. Chairman,

Mr. Wal-
pole's
speech.

‘ It does not yet appear, that the gentlemen
‘ who have engaged in this debate have sufficient-
‘ ly attended to the exigence of our affairs, and
‘ the importance of the question. They have
‘ lavished their oratory in declaiming upon the ab-
‘ surdity of the methods proposed, and discover'd
‘ their sagacity, by shewing how future navies
‘ may be supplied by charity-schools, but have
‘ substituted no expedients in the place of those
‘ which they so warmly condemn, nor have con-
‘ descended to inform us, how we may now guard
‘ our coasts, or man our fleets for immediate ser-
‘ vice. There are some circumstances, Sir, of the
‘ present war, which make our necessity of raising
‘ sea-forces greater than in those of King *William*,
‘ and the Queen that succeeded him. The chief
‘ advantages that we gained over the *French* in
‘ their wars, were the consequences of our victo-
‘ ries by land. At sea, Sir, the balance was al-
‘ most equal, tho' the *Dutch* fleet and ours were
‘ united; nor did they quit the sea because their
‘ fleets were destroy'd, but because they were
‘ obliged to recruit their land forces with their
‘ sailors. Should they now declare war against
‘ us, they would be under no such necessity of de-
‘ frauding the sea-service, for they have now on
‘ foot an army of 160,000 men, which are main-
‘ tained at no greater expence than 40,000 by our
‘ government; as they are therefore, so formida-
‘ ble by land, we have no way of opposing them
‘ but by our sea-forces. Nor is their navy so
‘ contemptible, as some have either by conjecture
‘ or misinformation represented it. The fleet
‘ which they have dispatch'd to *America*, con-
‘ sists

‘ fits not of fewer than twenty ships, of which
‘ the least carry sixty guns, and they are fitting
‘ out now an equal number in their own ports;
‘ besides, their *East-India* company is obliged to
‘ furnish ten ships of the line, at the demand of
‘ the government.

‘ Thus it appears that we have neighbours suffi-
‘ ciently powerful to alarm us with the sense of
‘ immediate danger; danger which is made more
‘ imminent by the expeditious methods by which
‘ the *French* man their fleets, and which we must
‘ imitate if we hope to oppose them with suc-
‘ cess. I need not say how little we can depend
‘ upon any professions of neutrality, which will be
‘ best observed when they cannot be securely vio-
‘ lated; or upon the pacifick inclination of their
‘ minister; which interest, persuasion, or caprice
‘ may alter, and to which it is not very honoura-
‘ ble to trust for safety. How can that nation
‘ sink lower, which is only free because it is not
‘ invaded by its neighbours, and retains its pos-
‘ sessions, only because no other has leisure or in-
‘ clination to take them away? If it be asked
‘ what can provoke the *French* to interrupt us in
‘ the prosecution of our designs, and in the pu-
‘ nishment of those who have plunder’d and in-
‘ sulted us? it is not only easy to urge the strict
‘ alliance between the crowns, the ties of blood,
‘ the conformity of interests, and their equal ha-
‘ tred of the *English*, but another more imme-
‘ diate reason may be added. It is suspected that
‘ under pretence of vindicating our own rights,
‘ we are endeavouring to gain the possession of
‘ the *Spanish* dominions, and engross the wealth of
‘ the new world, and that therefore it is the in-
‘ terest of every power, whose subjects traffick to
‘ those countries, to oppose us.

‘ Thus whether we succeed or fail in our at-
‘ tempts on *America*, we have the power of *France*
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' to apprehend. If we make conquests, they may
 ' probably think it necessary to obviate the torrent
 ' of our victories, and to hinder the increase of
 ' our dominions, that they may secure their own
 ' trade, and maintain their own influence. If we
 ' should be defeated, of which no man, Sir, can
 ' deny the possibility, the inclination of all to in-
 ' sult the depressed, and to push down the fall-
 ' ing, is well known; nor can it be expected that
 ' our hereditary enemies would neglect so fair an
 ' opportunity of attacking us. How they might
 ' ravage our coasts, and obstruct our trade, how
 ' they might triumph in the channel, and block
 ' us up in our own ports, bombard our towns,
 ' and threaten us with invasions, I hope I need
 ' not barely mention, to incite this assembly to
 ' such dispatch in manning our fleets, as may se-
 ' cure us at once from insults, and from terror.
 ' It is undoubtedly, Sir, in our power to raise a
 ' naval force sufficient to awe the ocean, and re-
 ' strain the most daring of our enemies from any
 ' attempts against us, but this cannot be effected
 ' by harangues, objections, and disputations.

' There is nothing, Sir, more frequently the
 ' subject of railery or declamation than the useless-
 ' ness or danger of a standing army, to which I
 ' declare myself no otherwise inclined than by my
 ' concern for the common safety; I willingly al-
 ' low that not one soldier ought to be supported
 ' by the publick, whose service is not necessary;
 ' but surely none of those who declare so warmly
 ' for the honour and privileges of their country,
 ' would expose it to the insults of foreign pow-
 ' ers without defence. If therefore they think
 ' the danger of land-forces more than equivalent
 ' to the benefit, they ought unanimously to concur
 ' in the increase of our naval strength, by which
 ' they may be protected, but cannot be oppressed:
 ' They ought willingly to give their assistance to
 ' any

‘ any propositions for making the fleet formidable,
 ‘ that their declarations against the army may not
 ‘ be thought to proceed from a resolution to ob-
 ‘ struct the measures of the government, rather
 ‘ than from zeal for the constitution. For he that
 ‘ equally opposes the establishment of the army,
 ‘ and the improvement of the navy, declares in
 ‘ effect against the security of the nation; and
 ‘ though, perhaps, without design, exposes his
 ‘ countrymen to the mercy of their enemies.’

William Pulteney, Esq; spoke next.

‘ Sir, I cannot discover for what reason the bill
 ‘ before us is so vigorously supported, but must
 ‘ observe that I have seldom known such vehe-
 ‘ ment and continued efforts produced by mere
 ‘ publick spirit, and unmingled regard for the
 ‘ happiness of the nation. Nothing, Sir, that can
 ‘ be urged in favour of the measures now propo-
 ‘ sed, has been omitted. When arguments are
 ‘ confuted, precedents are cited; when precedents
 ‘ fail, the advocates for the bill have recourse to
 ‘ terror and necessity, and endeavour to frighten
 ‘ those whom they cannot convince. But per-
 ‘ haps, Sir, these formidable phantoms may soon
 ‘ be put to flight, and like the other illusions of
 ‘ cowardice disappear before the light. Perhaps
 ‘ this necessity will be found only chimerical, and
 ‘ these dangers appear only the visions of credulity,
 ‘ or the bugbears of imposture.

Mr. Pulteney's speech

‘ To arrive at a clear view of our present condi-
 ‘ tion, it will be necessary, Sir, not to amuse our-
 ‘ selves with general assertions, or overwhelm our
 ‘ reason by terrifying exaggerations: Let us con-
 ‘ sider distinctly the power and the conduct of our
 ‘ enemies, and inquire whether they do not af-
 ‘ fright us more than they are able to hurt us.
 ‘ That the force of *Spain* alone, Sir, is much to
 ‘ be dreaded, no man will assert; for that nation,

' it is well known, has long been seized with all
 ' the symptoms of declining power, and has been
 ' supported, not by its own strength, but by the
 ' interests of its neighbours. The vast dominions
 ' of the *Spaniards* are only an empty shew; they
 ' are lands without inhabitants, and by conse-
 ' quence without defence; they are rather excres-
 ' cences than members of the nation, and receive
 ' support rather than communicate. In the distant
 ' branches of their nation the government lan-
 ' guishes, as the vital motion in an expiring body;
 ' and the struggles which they now make, may
 ' be termed rather agonies than efforts. From
 ' *Spain* therefore, unassisted, we have nothing to
 ' apprehend, and yet from thence we have been
 ' threatened with insults and invasions. That the
 ' condition of the *French* is far different, cannot
 ' be denied; their commerce flourishes, their do-
 ' minions are connected, their wealth increases,
 ' and their government operates with full vigour:
 ' Their influence is great, and their name formida-
 ' ble. But I cannot allow, Sir, that they have
 ' yet attain'd such a height of power as should al-
 ' arm us with constant apprehensions, or that we
 ' ought to secure ourselves against them by the
 ' violation of our liberties. Not to urge that the
 ' loss of freedom, and the destruction of our con-
 ' stitution, are the worst consequences that can be
 ' apprehended from a conquest, and that to a slave
 ' the change of his master is of no great impor-
 ' tance; it is evident, that the power of *France* is
 ' of such kind as can only affect us remotely, and
 ' consequentially. They may fill the continent
 ' with alarms, and ravage the territories of *Ger-*
 ' *many* by their numerous armies, but can only in-
 ' jure us by means of their fleets. We may wait,
 ' Sir, without a pannick terror, though not with-
 ' out some degree of anxiety, the event of their
 ' attempts upon the neighbouring Princes, and
 ' cannot

‘ cannot be reduced to fight for our altars and our
‘ houses, but by a second armada, which, even
‘ then, the winds must favour, and a thousand
‘ circumstances concur to expedite. But that no
‘ such fleet can be fitted out by the united endea-
‘ vours of the whole world; that our navy, in
‘ its present state, is superior to any that can be
‘ brought against us, our ministers ought not to
‘ be ignorant: And therefore to dispirit the nation
‘ with apprehensions of armies hovering in the air,
‘ and of conquerors to be waisted over by super-
‘ natural means, is to destroy that happiness which
‘ government was ordain’d to preserve; to sink us
‘ to tameness and cowardice; and to betray us to
‘ insults and to robberies. If our danger, Sir, be
‘ such as has been represented, to whom must we
‘ impute it? Upon whom are our weakness, our
‘ poverty, and our miseries to be charg’d? Upon
‘ whom, but those who have usurped the direc-
‘ tion of affairs which they did not understand,
‘ or which their solicitude for the preservation of
‘ their own power hindred them from attending?

‘ That the *Spaniards*, Sir, are now enabled to
‘ make resistance, and perhaps to insult and depo-
‘ pulate our colonies; that the *French* have dis-
‘ patched a fleet into the *American* seas to obstruct,
‘ as may be conjectur’d, the progress of our arms,
‘ and that we are in danger of meeting opposition
‘ which we did not expect, is too evident to be
‘ conceal’d.

‘ But, Sir, is not the spirit of our enemies the
‘ consequence rather of our cowardice than of
‘ their own strength? Does not the opposition to
‘ our designs, by whatever nation it shall be made,
‘ arise from the contempt which has been brought
‘ upon us by our irresolution, forbearance and de-
‘ lays? Had we resent’d the first insult, and re-
‘ paired our earliest losses by vigorous reprisals,
‘ our merchants had long ago carried on their

' traffick with security, our enemies would have
 ' courted us with respect, and our allies supported
 ' us with confidence. Our negotiations, treaties,
 ' propofals, and concessions, not only afforded
 ' them leifure to collect their forces, equip their
 ' fleets, and fortify their coasts; but gave them
 ' likewise spirit to resist those who could not be
 ' conquer'd but by their own cowardice and folly.
 ' By our ill-tim'd patience, and lingering prepara-
 ' tions, we encouraged those to unite against us,
 ' who would otherwise have only hated us in se-
 ' cret; and deterr'd those from declaring in our
 ' favour, whom interest or gratitude might have
 ' inclined to assist us. For who will support those
 ' from whom no mutual support can be expected?
 ' And who will expect that those will defend
 ' their allies, who desert themselves? But, Sir,
 ' however late our resentment was awakened, had
 ' the war been prosecuted vigorously after it was
 ' declar'd, we might have been now secure from
 ' danger, and freed from suspence, nor would any
 ' thing have remained but to give laws to our
 ' enemies.

' From the success of *Vernon*, with so inconfi-
 ' derable forces, we may conjecture what would
 ' have been perform'd with an armament propor-
 ' tioned to his undertaking; and why he was not
 ' better supplied, no reason has yet been given;
 ' nor can it be easily discover'd why we either did
 ' not begin the war before our enemies had con-
 ' certed their measures, or delay it till we had
 ' formed our own. Notwithstanding some op-
 ' portunities have been neglected, and all the ad-
 ' vantages of a sudden attack have been irrecover-
 ' ably lost; notwithstanding our friends, Sir, have
 ' learned to despise and neglect us, and our ene-
 ' mies are animated to confidence and obstinacy,
 ' yet our real and intrinsic strength continues the
 ' same; nor are there yet any preparations made
 ' against

‘ against us by the enemy, with views beyond
‘ their own security and defence. It does not yet
‘ appear, Sir, that our enemies, however insolent,
‘ look upon us as the proper objects of a conquest,
‘ or that they imagine it possible to besiege us in
‘ our own ports, or to confine us to the defence of
‘ our own country. We are not therefore to have
‘ recourse to measures, which, if they are ever to
‘ be admitted, can be justified by nothing but the
‘ utmost distress; and can only become proper, as
‘ the last and desperate expedient. The enemy,
‘ Sir, ought to appear not only in our seas, but
‘ in our ports, before it can be necessary that one
‘ part of the nation should be enslav’d for the pre-
‘ servation of the rest. To destroy any part of
‘ the community, while it is in our power to pre-
‘ serve the whole, is certainly absurd, and incon-
‘ sistent with the equity and tenderness of a good
‘ government: And what is slavery less than de-
‘ struction? What greater calamity has that man
‘ to expect, who has been already deprived of his
‘ liberty, and reduced to the level with thieves
‘ and murderers? With what spirit, Sir, will he
‘ draw his sword upon his invaders, who has no-
‘ thing to defend? Or why should he repel the
‘ injuries which will make no addition to his mi-
‘ sery, and will fall only on those to whom he is
‘ enslav’d? It is well known that gratitude is the
‘ foundation of our duty to our country, and to
‘ our superiors, whom we are obliged to protect
‘ upon some occasions, because upon others we
‘ receive protection from them, and are maintain’d
‘ in the quiet possession of our fortunes, and the
‘ security of our lives. But what gratitude is due
‘ to his country from a man distinguish’d without a
‘ crime by the legislature, from the rest of the peo-
‘ ple, and mark’d out for hardships and oppressions?
‘ From a man who is condemn’d to labour and to
‘ danger, only that others may fatten with indo-
‘ lence,

‘ lence, and slumber without anxiety? From a man
 ‘ who is dragged to misery without reward, and
 ‘ hunted from his retreat, as the property of his
 ‘ master?

‘ Where gratitude, Sir, is not the motive of
 ‘ action, which may easily happen in minds not
 ‘ accustom’d to observe the ends of government
 ‘ and relations of society, interest never fails to
 ‘ preside, which may be distinguish’d from grati-
 ‘ tude, as it regards the immediate consequences
 ‘ of actions, and confines the view to present ad-
 ‘ vantages. But what interest can be gratified by
 ‘ a man who is not master of his own actions,
 ‘ nor secure in the enjoyment of his acquisitions?
 ‘ Why should he be solicitous to increase his pro-
 ‘ perty, who may be torn from the possession of it
 ‘ in a moment? Or upon what motive can he act
 ‘ who will not become more happy by doing his
 ‘ duty? Many of those to whom this bill is pro-
 ‘ pos’d to extend, have raised fortunes at the ex-
 ‘ pence of their ease, and at the hazard of their
 ‘ lives; and now sit at rest, enjoying the memory
 ‘ of their past hardships, and inciting others to
 ‘ the prosecution of the same adventures: How
 ‘ will it be more reasonable to drag these men
 ‘ from their houses, than to seize any other gen-
 ‘ tleman upon his own estate? And how negli-
 ‘ gently will our navigation and our commerce be
 ‘ promoted, when it is discover’d that either
 ‘ wealth cannot be gained by them; or, if so
 ‘ gained, cannot be enjoy’d?

‘ But it is still urged, Sir, that there is a necessity
 ‘ of manning the fleet; a necessity which in-
 ‘ deed cannot totally be denied, though a short
 ‘ delay would produce no frightful consequences,
 ‘ would expose us to no invasions, nor disable us
 ‘ from prosecuting the war. Yet as the necessity
 ‘ at least deserves the regard of the legislature, let
 ‘ us consider what motives have hitherto gain’d
 ‘ men

‘ men over to the publick service; let us examine
‘ how our land forces are raised, and how our
‘ merchants equip their ships. How is all this
‘ effected without murmurs, mutinies, or discon-
‘ tent, but by the natural and easy method of of-
‘ fering rewards? It may be objected, Sir, that
‘ rewards have been already propos’d without ef-
‘ fect; but, not to mention the corrupt arts which
‘ have been made use of to elude that promise,
‘ by rejecting those that came to claim them, we
‘ can infer from their inefficacy only, that they
‘ were too small, that they were not sufficient to
‘ dazzle the attention, and withdraw it from the
‘ prospect of the distant advantages which may a-
‘ rise from the service of the merchants. Let the
‘ reward therefore be doubled, and if it be not then
‘ sufficient, doubled anew. There is nothing but
‘ may be bought, if an adequate price is offered;
‘ and we are therefore to raise the reward till it
‘ shall be adjudged by the sailors equivalent to the
‘ inconveniencies of the service. Let no man urge
‘ that this is profusion; that it is a breach of our
‘ trust, and a prodigality of the publick money.
‘ Sir, the money thus paid is the price of liberty;
‘ it is disbursed to hinder slavery from encroaching,
‘ to preserve our natural rights from infractions, and
‘ the constitution of our country from violation.
‘ If we vote away the privilege of one class a-
‘ mong us, those of another may quickly be de-
‘ manded; and slavery will advance by degrees,
‘ till the last remains of freedom shall be lost.

‘ But perhaps, Sir, it will appear upon reflection,
‘ that even this method needs not to be practised.
‘ It is well known, that it is not necessary for the
‘ whole crew of a ship to be expert sailors; there
‘ must be some novices, and many whose employ-
‘ ment has more of labour than of art. We have
‘ now a numerous army which burdens our coun-
‘ try, without defending it, and from whom we
‘ may

‘ may therefore draw supplies for the fleet, and
‘ distribute them amongst the ships in just propor-
‘ tions; they may immediately assist the seamen,
‘ and will become able in a short time to train up
‘ others. It will doubtless, Sir, be objected to
‘ this proposal, that the continent is in confusion,
‘ and that we ought to continue such a force as
‘ may enable us to assist our allies, maintain our
‘ influence, and turn the scale of affairs in the
‘ neighbouring countries. I know not how we
‘ are indebted to our allies, or by what ties we
‘ are obliged to assist those who never assisted us;
‘ nor can I, upon mature consideration, think it
‘ necessary to be always gazing upon the conti-
‘ nent, watching the motions of every potentate,
‘ and anxiously attentive to every revolution.
‘ There is no end, Sir, of obviating contingencies,
‘ of attempting to secure ourselves from every possi-
‘ bility of danger. I am indeed desirous that our
‘ friends, if any there be that deserve that name,
‘ should succeed in their designs, and be protected
‘ in their claims; but think it ought always to be
‘ remembred, that our own affairs affect us imme-
‘ diately, theirs only by consequence; and that
‘ the nearest danger is to be first regarded. With
‘ respect to the amendment offer’d to this clause, I
‘ cannot see that it will produce any advantage,
‘ nor think any evidence sufficient to justify the
‘ breach of our constitution, or subject any man
‘ to the hardship of having his dwelling enter’d
‘ by force. And, Sir, I am not entirely satisfied
‘ of the impartiality and equity with which it is
‘ promised that this law will be put in execution,
‘ or what new influence is to co-operate with this
‘ law, by which corruption and oppression will
‘ be prevented. It is well known, Sir, that ma-
‘ ny other laws are made ineffectual by partiality
‘ or negligence, which remarkably appears by the
‘ immense quantities of corn that are daily carried
‘ into

‘ into foreign countries, by illegal exportations,
 ‘ by which traffick I am inform’d that we obtain
 ‘ most of our foreign gold, which in reality is
 ‘ paid us for corn by the *Dutch*; tho’ it is studi-
 ‘ ously represented to the nation as gained by our
 ‘ traffick with *Portugal*. Who can assure us,
 ‘ that this law will not be perverted after the ex-
 ‘ ample of others, and that there will not be
 ‘ wretches found that may employ it to the ex-
 ‘ tortion of money, or the gratification of re-
 ‘ venge ?

‘ Thus, Sir, I have shewn by what means our
 ‘ fleet may now be equip’d, and how a supply of
 ‘ sailors may be perpetuated; for I cannot think
 ‘ how the boys which are educated in charity-
 ‘ schools can be more properly employ’d; a pro-
 ‘ portion may be easily selected for the service,
 ‘ who will benefit the publick much more than by
 ‘ serving sharpers and attorneys, and pilfering ei-
 ‘ ther at low gaming-houses, or in the inns of court.
 ‘ Since therefore it is not pretended, Sir, that this
 ‘ bill can be justified otherwise than by necessity,
 ‘ and it appears that supplies may be raised by
 ‘ other means; since instead of increasing and en-
 ‘ couraging seamen, nothing is proposed that does
 ‘ not manifestly tend, by depressing and harassing
 ‘ them, to diminish their numbers; I think it
 ‘ reasonable to declare that I shall continue to op-
 ‘ pose it, and hope that every friend of liberty, or
 ‘ commerce, will concur in the opposition.’

Sir *Robert Walpole* spoke next to the following effect:

‘ Sir, I have consider’d the bill, before us with
 ‘ the utmost impartiality, and I can see no reason
 ‘ to apprehend that it will produce such universal
 ‘ discontent, and give occasion to so many abuses
 ‘ as the honourable gentlemen by whom it is op-
 ‘ posed, appear to suspect. It is not uncommon,
 ‘ Sir,

*Sir Robert
 Walpole's
 speech.*

‘ Sir, in judging of future events, and tracing
 ‘ effects from causes, for the most sagacious to be
 ‘ mistaken. The safest method of conjecturing
 ‘ upon the future, is to consider the past, for it is
 ‘ always probable that from like causes like con-
 ‘ sequences will arise. Let us therefore, Sir, ex-
 ‘ amine what injustice or oppression has been hi-
 ‘ therto produc’d by laws of the same kind. The
 ‘ power of searching, however it is now become
 ‘ the subject of loud acclamation, and pathetick
 ‘ harangues, is no new invasion of the rights of
 ‘ the people, but has been already granted in its
 ‘ utmost extent, for an end of no greater impor-
 ‘ tance than the preservation of the game: This
 ‘ formidable authority has been already trusted to
 ‘ the magistrate, and the nation has been already
 ‘ subjected to this insupportable tyranny, only left
 ‘ the hares and partridges should be destroy’d,
 ‘ and gentlemen be obliged to disband their
 ‘ hounds, and dismiss their setting dogs. Yet,
 ‘ Sir, even with regard to this power, thus exor-
 ‘ bitant, and thus lightly granted, I have heard
 ‘ no general complaints, nor believe that it is
 ‘ look’d upon as a grievance by any, but those
 ‘ whom it restrains from living upon the game,
 ‘ and condemns to maintain themselves by a more
 ‘ honest and useful industry.

‘ I hope, Sir, those that think this law for the
 ‘ preservation of their amusement rational and
 ‘ just, will have at least the same regard to the de-
 ‘ fence of their country, and will not think their
 ‘ venison deserves greater solicitude, than their
 ‘ fortunes and their liberties. Nor is it difficult,
 ‘ Sir, to produce instances of the exercise of this
 ‘ power, for the end which is now propos’d,
 ‘ without any consequences that should discourage
 ‘ us from repeating the experiment. I have now
 ‘ in my hand a letter, by which the Mayor and
 ‘ Aldermen of *Bristol* are empower’d to seize all
 ‘ the

‘ the sailors within the bounds of their jurisdiction,
‘ which order was executed without any outcries
‘ of oppression, or apprehensions of the approach
‘ of slavery. That this law, Sir, will be al-
‘ ways executed with the strictest impartiality,
‘ and without the least regard to any private pur-
‘ poses, cannot indeed be demonstratively prov’d;
‘ every law may possibly be abused by a combi-
‘ nation of profligates, but it must, I think, be
‘ granted, that it is drawn up with all the caution
‘ that reason, or justice, or the corruption of the
‘ present age requires. I know not what can be
‘ contriv’d better than an association of men un-
‘ likely to concur in their views, and interests.
‘ A justice of the peace, a lieutenant of a ship, and
‘ a commissioner of the navy, three men probably
‘ unknown to each other, and of which no one
‘ will be at all solicitous to desire the rest to unite,
‘ commit a crime to which no temptation can be
‘ readily imagined. This caution, Sir, which
‘ cannot but be approved, and which surely is
‘ some proof of judgment, and consideration,
‘ ought in my opinion to have exempted the bill,
‘ and those by whose assistance it was drawn up,
‘ from the reproachful and indecent charge of ab-
‘ surdity, ignorance, and incapacity; terms which
‘ the dignity of this assembly does not admit,
‘ even when they are incontestably just, and which
‘ surely ought not to be made use of when the
‘ question is of a doubtful nature. The gentle-
‘ men, who are now intrusted with publick em-
‘ ployments have never yet discover’d that they
‘ are inferior to their predecessors in knowledge or
‘ integrity, nor do their characters suffer any di-
‘ minution by a comparison with those who vilify
‘ and traduce them. Those, Sir, that treat others
‘ with such licentious contempt, ought surely to
‘ give some illustrious proof of their own abilities;
‘ and yet if we examine what has been produced

‘ on

‘ on this question, we shall find no reason to admire their sagacity, or their knowledge.

‘ We have been told, Sir, that the fleet might properly be mann’d by a detachment from the army, but it has not been proved that we have any superfluous forces in the kingdom, nor, indeed, will our army be found sufficiently numerous, if by neglecting to equip our fleet, we give our enemies an opportunity of entering our country. If it be enquir’d what necessity there is for our present forces? what expeditions are design’d? or what dangers are fear’d? I shall not think it my duty to return any answer. It is, Sir, the great unhappiness of our constitution, that our determinations cannot be kept secret, and that our enemies may always form conjectures of our designs, by knowing our preparations; but surely more is not to be publish’d than necessity extorts, and the government has a right to conceal what it would injure the nation to discover. Nor can I, Sir, approve the method of levying sailors by the incitement of an exorbitant reward, a reward to be augmented at the pleasure of those who are to receive it. For what can be the consequence of such prodigality, but that those to whom the largest sum is offer’d, will yet refuse their service in expectation of a greater. The reward already proposed, is, in my opinion, the utmost stretch of liberality; and all beyond may be censured as profusion. It is not to be imagin’d, Sir, that all these objections were not made, and answer’d, in the reign of the late Queen, when a bill of the same nature was proposed; they were answer’d at least by the necessity of those times, which necessity has now return’d upon us. We do not find that it produced any consequences so formidable and destructive, that they should forever discourage us from attempting to raise
‘ forces

‘ forces by the same means; it was then readily
 ‘ enacted, and executed without opposition, and
 ‘ without complaints; nor do I believe that any
 ‘ measures can be proposed of equal efficacy, and
 ‘ less severity.’

Samuel Sandys, Esq; replied in substance as follows:

‘ Sir, Whether the precedents produced in de-
 ‘ fence of this bill, will have more weight than
 ‘ the arguments, must be shewn by a careful ex-
 ‘ amination, which will perhaps discover that the
 ‘ order sent to the magistrates of *Bristol* convey’d
 ‘ no new power, nor such as is in any respect
 ‘ parallel to that which this bill is intended to
 ‘ confer. They were only enjoined to enquire
 ‘ with more than usual strictness, after strollers
 ‘ and vagabonds, such as the law has always sub-
 ‘ jected to punishment, and send them to the fleet,
 ‘ instead of any other place of correction; a me-
 ‘ thod which may now be pursued without dan-
 ‘ ger, opposition, or complaint. But for my
 ‘ part, I am not able, upon the closest attention
 ‘ to the present scene of affairs, to find out the
 ‘ necessity of extraordinary methods of any kind.
 ‘ The fears of an invasion from *France*, are in
 ‘ my opinion, Sir, merely chimerical; from their
 ‘ fleet in *America*, the coasts of *England* have no-
 ‘ thing to fear, and after the numerous levies of
 ‘ seamen by which it was fitted out, it is not yet
 ‘ probable that they can speedily send out ano-
 ‘ ther. We know, Sir, that the number of sea-
 ‘ men depends upon the extent of commerce, and
 ‘ surely there is as yet no such disproportion be-
 ‘ tween their trade and ours, as that they should
 ‘ be able to furnish out a naval armament with
 ‘ much greater expedition than ourselves. In
 ‘ *America* our forces are at least equal to theirs,
 ‘ so that it is not very probable, that after the

Mr. Sandys's
 speech.

' total destruction of our fleet, by them, they
 ' should be so little injur'd, as to be able imme-
 ' diately to set sail for the channel, and insult us
 ' in our own ports; to effect this, Sir, they must
 ' not only conquer us, but conquer us without re-
 ' sistance. If they do not interrupt us in our
 ' attempts, nor expose themselves to an engag-
 ' ment, they may indeed return without suffer-
 ' ing great damages, but I know not how they
 ' can leave the shores of *America* unobserv'd,
 ' or pour an unexpected invasion upon us. If
 ' they continue there, Sir, they cannot hurt us,
 ' and when they return, we may prepare for their
 ' reception. There are men, I know, Sir, who
 ' have reason to think highly of the *French* po-
 ' licy, and whose ideas may be exalted to a belief
 ' that they can perform impossibilities; but I have
 ' not yet prevail'd upon myself to conceive that
 ' they can act invisibly, or that they can equip
 ' a fleet by sorcery, collect an army in a moment,
 ' and defy us on our own coast, without any per-
 ' ceptible preparations.'

Then Sir *Charles Wager* spoke thus:

Sir *Charles*
Wager's
 speech.

' The calamities produced by discord, and
 ' contention, need not to be pointed out, but it
 ' may be proper to reflect upon the consequences
 ' of a house divided against itself, that we may
 ' endeavour to avoid them. Unanimity is pro-
 ' duced by nothing more powerful than by im-
 ' pending danger, and therefore it may be useful
 ' to shew those who seem at present in profound
 ' security, that the power of *France* is more
 ' formidable than they are willing to allow.

' My age, Sir, enables me to remember many
 ' transactions of the wars in the late reigns, to
 ' which many gentlemen are strangers, or of
 ' which they have only imperfect ideas from his-
 ' tory and tradition. In the second year of the
 ' reign

' reign of King *William*, the *French* gained a vic-
 ' tory over the united fleets of the maritime
 ' powers, which gave them for the summer fol-
 ' lowing the dominion of the channel, enabled
 ' them to shut up our merchants in their ports,
 ' and produced a total suspension of our com-
 ' merce. Those, Sir, to whom the importance of
 ' trade is so well known, will easily apprehend
 ' the weight of this calamity, and will, I hope,
 ' reject no measures that have a manifest tendency
 ' to prevent it. Our ships, Sir, do not lie useless
 ' because there is any want of seamen in the na-
 ' tion, but because any service is prefer'd to
 ' that of the publick. There are now to my
 ' knowledge in one town on the west coast, no
 ' fewer than twelve hundred sailors, of which
 ' surely a third part may be justly claimed by the
 ' publick interest; nor do I know why they who
 ' obstinately refuse to serve their country, should
 ' be treated with so much tenderness. It is more
 ' reasonable that they should suffer by their re-
 ' fusal, than that the general happiness should be
 ' endanger'd.'

Edward Southwell, Esq; spoke next to the fol-
 lowing effect:

' Sir, When any authority shall be lodged in
 ' my hands to be exercised for the publick benefit,
 ' I shall always endeavour to exert it with honesty
 ' and diligence; but will never be made the instru-
 ' ment of oppression, nor execute any commis-
 ' sion of tyranny, or injustice. As therefore
 ' the power of searching is to be placed in the
 ' hands of justices of the peace, I think it necessary
 ' to declare, that I will never perform so hateful
 ' a part of the office, and that if this bill becomes
 ' a law, I will retire from the place to which my
 ' authority is limited, rather than contribute to
 ' the miseries of my fellow subjects.'

*Mr. South-
 well's speech*

Then *George Lyttelton*, Esq; spoke as follows :

Mr. *Lyttelton's* speech.

‘ Sir, All the arguments which have been offer’d in support of this bill, are reduced at last to one constant assertion of the necessity of passing it. We have been told, Sir, with great acuteness, that a war cannot be carried on without men, and that ships are useless without sailors; and from thence it is inferr’d that the bill is necessary. That forces are by some means necessary to be rais’d, the warmest opponents of the bill will not deny, but they cannot therefore allow the inference, that the methods now propos’d are necessary. They are of opinion, Sir, that cruel and oppressive measures can never be justified, till all others have been tried without effect; they think that the law when it was formerly pass’d, was unjust, and are convinc’d, by observing that it never was reviv’d, and that it was by experience discover’d to be useless.

‘ Necessity, absolute necessity, is a formidable sound, and may terrify the weak and timorous into silence and compliance; but it will be found upon reflection, to be often nothing but an idle feint, to amuse and to delude us, and that what is represented as necessary to the publick, is only something convenient to men in power. Necessity, Sir, has heretofore been produc’d as a plea for that which could be no otherwise defended. In the days of King *Charles I.* ship-money was declar’d to be legal, because it was necessary. Such was the reasoning of the lawyers, and the determination of the judges; but the Parliament, a Parliament of Patriots! without fear, and without corruption, and influenced only by a sincere regard for the publick, were of a different opinion, and neither admitted the lawfulness nor necessity. It will become us on this occasion to act with equal vigour, and

‘ con-

‘ convince our countrymen, that we proceed upon
 ‘ the same principles, and that the liberties of the
 ‘ people are our chief care. I hope we shall unite
 ‘ in defeating any attempts that may impair the
 ‘ rights which every *Englishman* boasts as his
 ‘ birth-right, and reject a law which will be equal-
 ‘ ly dreaded and detested with the inquisition of
 ‘ *Spain*.’

Sir William Yonge spoke next, to this effect :

‘ Sir, Tho’ many particular clauses of this bill
 ‘ have been disapproved and opposed, some with *Sir William Yonge’s speech.*
 ‘ more and some with less reason, yet the committee
 ‘ has hitherto agreed, that a bill for this purpose
 ‘ is necessary in the present state of our affairs;
 ‘ upon this principle we have proceeded thus far,
 ‘ several gentlemen have proposed their opinions,
 ‘ contributed their observations, and labour’d as
 ‘ in an affair universally admitted to be of high
 ‘ importance to the general prosperity. But now,
 ‘ Sir, when some of the difficulties are surmounted,
 ‘ some expedients luckily struck out, some objec-
 ‘ tions removed, and the great design brought
 ‘ nearer to execution, we are on a sudden inform’d
 ‘ that all our labour is superfluous, that we are
 ‘ amusing ourselves with useless consultations,
 ‘ providing against calamities that can never hap-
 ‘ pen, and raising bulwarks without an enemy,
 ‘ that therefore the question before us is of no
 ‘ importance, and the bill ought, without farther
 ‘ examination, to be totally rejected.

‘ I suppose, Sir, I shall be readily believed, when
 ‘ I declare that I shall willingly admit any argu-
 ‘ ments, that may evince our safety; but in pro-
 ‘ portion as real freedom from danger is to be de-
 ‘ sired, a supine and indolent neglect of it is to
 ‘ be dreaded and avoided; and I cannot but fear
 ‘ that our enemies are more formidable and more
 ‘ malicious, than the gentlemen that oppose this

‘ bill have represented them. This bill can only
 ‘ be opposed upon the supposition that it gives a
 ‘ sanction to severities more rigorous than our
 ‘ present circumstances require; for nothing can
 ‘ be more fallacious or invidious than a compari-
 ‘ son of this law with the demand of ship-money,
 ‘ a demand contrary to all law, and enforced by
 ‘ the manifest exertion of arbitrary power. How
 ‘ has the conduct of his present Majesty any re-
 ‘ semblance with that of King *Charles I.*? Is
 ‘ any money levied by order of the council?
 ‘ Are the determinations of the judges set in op-
 ‘ position to acts of Parliament? Is any man in-
 ‘ jur’d in his property by an unlimited extension
 ‘ of the prerogative? or any tribunal established
 ‘ superior to the laws of the nation? To draw
 ‘ parallels, Sir, where there is no resemblance, and
 ‘ to accuse by insinuations where there is no sha-
 ‘ dow of a crime, to raise outcries when no in-
 ‘ jury is attempted, and to deny a real necessity
 ‘ because it was once pretended for a bad purpose,
 ‘ is surely not to advance the publick service,
 ‘ which can only be promoted by just reasonings,
 ‘ and calm reflections, not by sophistry and satire,
 ‘ by insinuations without ground, and by instances
 ‘ beside the purpose.’

George Lyttelton, Esq; answer’d.

*Mr. Lyttel-
ton's answer*

‘ Sir, True zeal for the service of the publick
 ‘ is never discover’d by collusive subterfuges and
 ‘ malicious representations; a mind attentive to
 ‘ the common good, would hardly, on an occasion
 ‘ like this, have been at leisure to pervert an harm-
 ‘ less illustration, and extract disaffection from a
 ‘ casual remark. It is, indeed, not impossible, Sir,
 ‘ that I might express myself obscurely, and it
 ‘ may be therefore necessary to declare that I in-
 ‘ tended no disrespectful reflection on the conduct
 ‘ of his Majesty, but must observe at the same
 ‘ time,

‘ time, that obscure or inaccurate expressions ought
‘ always to be interpreted in the most inoffensive
‘ meaning, and that to be too sagacious in disco-
‘ vering concealed insinuations, is no great proof
‘ of superior integrity. Wisdom, Sir, is seldom
‘ captious, and honesty seldom suspicious; a man
‘ capable of comprehending the whole extent of a
‘ question, disdains to divert his attention by tri-
‘ fling observations, and he that is above the prac-
‘ tice of little arts, or the motions of petty ma-
‘ lice, does not easily imagine them incident to
‘ another. That in the question of ship-money
‘ necessity was pretended, cannot be denied; and
‘ therefore all that I asserted, which was only that
‘ the nation had been once terrified without rea-
‘ son, by the formidable sound of necessity, is
‘ evident and uncontested. When a fraud has
‘ once been practised, it is of use to remember it,
‘ that we may not twice be deceiv’d by the same
‘ artifice, and therefore I mentioned the plea of ne-
‘ cessity, that it may be inquir’d whether it is now
‘ more true than before. That the Parliament,
‘ Sir, and not the judges, is now applied to, is no
‘ proof of the validity of the arguments which
‘ have been produced, for in the days of ship-
‘ money, the consent of Parliament had been
‘ asked had there been any prospect of obtaining
‘ it; but the court had been convinced by fre-
‘ quent experiments, of the inflexibility of the
‘ Parliament, and despaired of influencing them
‘ by prospects of advantage, or intimidating them
‘ by frowns or menaces. May this and every fu-
‘ ture Parliament imitate their conduct, and like
‘ them, distinguish between real and pretended
‘ necessity; and let us not be terrified by idle cla-
‘ mours into the establishment of a law at once
‘ useless and oppressive.’

Sir William Yonge replied.

*Sir William
Yonge's reply.*

‘ Sir, That I did not intend to misrepresent the meaning of the honourable gentleman, I hope it is not necessary to declare ; and that I have in reality been guilty of any misrepresentation, I am not yet convinced. If he did not intend a parallel between ship-money, and the present bill, to what purpose was his observation? And if he did intend it, was it not proper to shew there was no resemblance, and that all which could be inferred from it was therefore fallacious and inconclusive? Nor do I only differ, Sir, in opinion with the honourable gentleman with relation to his comparison of measures, which have nothing in common with each other; but will venture to declare that he is not more accurate in his citations from history. The King did not apply to the judges, because the Parliament would not have granted him the money that he demanded, but because his chief ambition was to govern the nation by the prerogative alone, and to free himself and his descendants from parliamentary inquiries. That this account, Sir, is just, I am confident the histories of those times will discover; and therefore any invidious comparison between that Parliament and any other, is without foundation in reason or in truth.’

Then *Mr. Bathurst* spoke as follows :

*Mr. Bathurst's
speech.*

‘ Sir, That this law will easily admit, in the execution of it, such abuses as will over-balance the benefits, may readily be proved ; and it will not be consistent with that regard to the publick, expected from us by those whom we represent, to enact a law which may probably become an instrument of oppression. The servant by whom I am now attended, may be termed, according
‘ to

' to the determination of the vindicators of this
 ' bill, a seafaring-man, having been once in the
 ' *West-Indies*; and he may therefore be forced
 ' from my service, and dragged into a ship by
 ' the authority of a justice of the peace, perhaps
 ' of some abandon'd prostitute, dignified with a
 ' commission only to influence elections, and awe
 ' those whom excises and riot acts cannot subdue.
 ' I think it, Sir, not improper to declare, that I
 ' would by force oppose the execution of a law
 ' like this; that I would bar my doors and de-
 ' fend them; that I would call my neighbours
 ' to my assistance; and treat those who should
 ' attempt to enter without my consent, as thieves,
 ' ruffians, and murderers.'

The Lord Gage spoke to this effect :

' Sir, It is well known that by the laws of this Lord Gage's
 ' nation, poverty is in some degree consider'd as speech.
 ' a crime, and that the debtor has only this ad-
 ' vantage over the felon, that he cannot be per-
 ' sued into his dwelling, nor be forced from the
 ' shelter of his own house. I think it is univer-
 ' sally agreed, that the condition of a man in
 ' debt is already sufficiently miserable, and that he
 ' would be more worthy of the legislative power
 ' to contrive alleviations of his hardships than ad-
 ' ditions to them; and it seems therefore no in-
 ' considerable objection to this bill, that by con-
 ' ferring the power of entering houses by force,
 ' it may give the harpies of the law an opportu-
 ' nity of entering, in the tumult of an impress,
 ' and of dragging a debtor to a noisom prison,
 ' under pretence of forcing sailors into the service
 ' of the crown.'

Robert Tracy, Esq; then said.

' Sir, That some law for the ends proposed by Mr. Tra-
 ' the bill before us is necessary, I don't see how cy's speech.
 C c 4 ' we

‘ we can doubt, after the declarations of the admirals, who are fully acquainted with the service for which provision is to be made, and of the ministry, whose knowledge of the present state of our own strength, and the designs of our enemies, is doubtless more exact than they can acquire who are not engaged in publick employments. If therefore the measures now proposed are necessary, tho’ they may not be agreeable to the present dispositions of the people, for whose preservation they are intended, I shall think it my duty to concur in them, that the publick service may not be retarded, nor the safety of a whole nation hazarded, by a scrupulous attention to minute objections.’

Alexander Hume Campbell, Esq; spoke as follows:

Mr. Campbell's speech.

‘ Sir, I have often, amidst my eulogies on *British* liberty, and my declarations of the excellence of our constitution, the impartiality of our government, and the efficacy of our laws, been reproached by foreigners with the practice of impresses, as an hardship which would raise a rebellion in absolute monarchies, and kindle those nations into madness, that have for many ages known no other law than the will of their Princes: A hardship which includes imprisonment and slavery, and to which therefore no aggravations ought to be added. But if justice and reason, Sir, are to be overborn by necessity; if necessity is to stop our ears against the complaints of the oppressed, and harden our hearts at the sight of their misery, let it at least not destroy our memories, nor deprive us of the advantages of experience. Let us inquire, Sir, what were the effects of this hateful authority, when it was formerly consign’d to the magistrates. Were our fleets mann’d in an instant? Were

‘ Were our harbours immediately crouded with
 ‘ sailors? Did we surprize our enemies by our
 ‘ expedition, and make conquests before an inva-
 ‘ sion could be suspected? I have heard, Sir, of
 ‘ no such consequences, nor of any advantages
 ‘ which deserved to be purchased by tyranny and
 ‘ oppression. We have found that very few were
 ‘ procured by the magistrates, and the charge of
 ‘ seizing and conveying was very considerable,
 ‘ and therefore cannot but conclude, that illegal
 ‘ measures, which have been once tried without
 ‘ success, should, for a double reason, never be re-
 ‘ viv’d.’

Sir John Barnard spoke to this effect :

‘ Sir, It is not without regret that I rise so of-
 ‘ ten on this occasion; for to dispute with those
 ‘ whose determinations are not influenc’d by rea-
 ‘ son, is a ridiculous task, a tiresome labour, with-
 ‘ out prospect of reward. But as an honourable
 ‘ gentleman has lately remark’d, that by denying
 ‘ the necessity of the bill, instead of making ob-
 ‘ jections to particular clauses, the whole design of
 ‘ finding expedients to supply the sea-service is at
 ‘ once defeated: I think it necessary to remind
 ‘ him, that I have made many objections to this
 ‘ bill, and supported them by reasons which have
 ‘ not yet been answer’d. But I shall now no
 ‘ longer confine my remarks to single errors, but
 ‘ observe that there is one general defect, by
 ‘ which the whole bill is made absurd and useless.
 ‘ For the foundation of a law like this, Sir, the de-
 ‘ scription of a seaman ought to be accurately laid
 ‘ down, it ought to be declared what acts shall
 ‘ subject him to that denomination, and by what
 ‘ means, after having once inlisted himself in this
 ‘ unhappy class of men, he may withdraw into a
 ‘ more secure and happy state of life. Is a man,
 ‘ who has once only lost sight of the shore, to be
 ‘ for

*Sir John
 Barnard's
 speech.*

' for ever hunted as a seaman? Is a man, who by
 ' traffick has enriched a family, to be forced from
 ' his possessions by the authority of an impress?
 ' Is a man who has purchas'd an estate, and built
 ' a seat, to solicit the Admiralty for a protection
 ' from the neighbouring constable? Such questions
 ' as these, Sir, may be ask'd, which the bill before
 ' us will enable no man to answer. If a bill for
 ' this purpose be truly necessary, let it at least be
 ' freed from such offensive absurdities, let it be
 ' drawn up in a form as different as is possible from
 ' that of the bill before us, and at last I am far
 ' from imagining that a law will be contrived not
 ' injurious to individuals, nor detrimental to the
 ' publick; not contrary to the first principles of
 ' our establishment, and not loaded with folly and
 ' absurdities.'

Robert Vyner, Esq; then spoke.

Mr. Vyner's
speech.

' Sir, A definition of a seaman is so necessary in
 ' a bill for this purpose, that the omission of it
 ' will defeat all the methods that can be suggested.
 ' How shall a law be executed, or a penalty in-
 ' flicted, when the magistrate has no certain marks
 ' whereby he may distinguish a criminal; and
 ' when even the man that is prosecuted may not be
 ' conscious of guilt, or know that the law extend-
 ' ed to him, which he is charged with having
 ' offended? If in defining a seaman on the pre-
 ' sent occasion, it be thought proper to have any
 ' regard to the example of our predecessors, whose
 ' wisdom has in this debate been so much magni-
 ' fied; it may be observed that a seaman has been
 ' formerly defined, a man who haunts the seas,
 ' a definition which seems to imply habit, and
 ' continuance, and not to comprehend a man who
 ' has perhaps never gone more than a single
 ' voyage. But tho' this definition, Sir, should be
 ' added to the amendments already proposed, and
 ' the

‘ the bill thereby be brought somewhat nearer to
 ‘ the constitutional principles of our govern-
 ‘ ment ; I cannot yet think it so much rectified,
 ‘ as that the hardships will not out-weigh the
 ‘ benefits, and therefore shall continue to oppose
 ‘ the bill, tho’ to some particular clauses I have
 ‘ no objection.’

Next day, being the 10th, the house resolved
 itself again into the said committee, and Sir
Charles Wager offered the above clause for limit-
 ing sailors wages in the merchants service to
 thirty-five Shillings *per* month, which he intro-
 duced with a speech to the following purpose.

Debate upon
 the clause
 for limiting
 sailors wa-
 ges.

‘ Mr. Chairman,

‘ Sir, The necessity of this clause must be so
 ‘ apparent to every gentleman acquainted with
 ‘ naval and commercial affairs, that as no oppo-
 ‘ sition can be apprehended, very few arguments
 ‘ will be requisite to introduce it. How much
 ‘ the publick calamities of war are improved by
 ‘ the sailors to their own private advantage,
 ‘ how generally they shun the publick service,
 ‘ in hopes of receiving exorbitant wages from
 ‘ the merchants, and how much they extort
 ‘ from the merchants, by threatening to leave
 ‘ their service for that of the crown, is univer-
 ‘ sally known to every officer of the navy, and
 ‘ every commander of a trading vessel. A law,
 ‘ therefore, Sir, to restrain them in time of war
 ‘ from such exorbitant demands, to deprive them
 ‘ of those prospects which have often no other
 ‘ effect than to lull them in idleness, while they
 ‘ skulk about in expectation of higher wages,
 ‘ and to hinder them from deceiving themselves,
 ‘ embarrassing the merchants, and neglecting the
 ‘ general interest of their country, is undoubtedly
 ‘ just. It is just, Sir, because in regard to the
 ‘ publick,

Sir Charles
Wager's
 speech.

‘ publick, it is necessary to prevent the greatest calamity that can fall upon a people, to preserve us from receiving laws from the most implacable of our enemies ; and it is just, because with respect to particular men it has no tendency but to suppress idleness, fraud, and extortion.’

Henry Fox, Esq; spoke next.

*Mr. Fox's
speech.*

‘ Sir, I have no objection to any part of this clause, except the day proposed for the commencement ; to make a law against any pernicious practice, to which there are strong temptations, and to give those whose interest may incite them to it, time to effect their schemes, before the law shall begin to operate, seems not very consistent with wisdom or vigilance. It is not denied, Sir, that the merchants are betrayed by that regard to private interest which prevails too frequently over nobler views, to bribe away from the service of the crown by large rewards, those sailors whose assistance is now so necessary to the publick, and therefore it is not to be imagined that they will not employ their utmost diligence to improve the interval which the bill allows in making contracts for the ensuing year, and that the sailors will not eagerly engage themselves before this law shall preclude their prospects of advantage. As therefore to make no law, and to make a law that will not be observed, is in consequence the same, and the time allow’d by the clause, as it now stands, may make the whole provision ineffectual, it is my opinion, that either it ought to begin to operate to-morrow, or that we ought to leave the whole affair in its present state.’

Then Sir *Robert Walpole* spoke as follows.

‘ Sir,

‘ Sir, Nothing has a greater appearance of in-
 ‘ justice, than to punish men by virtue of laws
 ‘ with which they were not acquainted; the law,
 ‘ therefore, is always supposed to be known by
 ‘ those who have offended it, because it is the
 ‘ duty of every man to know it, and certainly
 ‘ it ought to be the care of the legislature, that
 ‘ those whom a law will affect, may have a pos-
 ‘ sibility of knowing it, and that those may not
 ‘ be punished for failing in their duty, whom
 ‘ nothing but inevitable ignorance has betrayed
 ‘ into offence. But if the operation of this law
 ‘ should commence to-morrow, what numbers
 ‘ may break it, and suffer by the breach of it
 ‘ involuntarily, and without design; and how
 ‘ shall we vindicate ourselves from having been
 ‘ accessary to the crime which we censure and
 ‘ punish?’

Sir Robert
Walpole's
speech.

Henry Fox, Esq; reply'd.

‘ Sir, I shall not urge in defence of my mo-
 ‘ tion what is generally known, and has been
 ‘ frequently inculcated in all debates upon this
 ‘ bill, that private considerations ought always
 ‘ to give way to the necessities of the publick;
 ‘ for I think it sufficient to observe, that there is
 ‘ a distinction to be made between punishments
 ‘ and restraints, and that we never can be too
 ‘ early in the prevention of pernicious practices,
 ‘ tho’ we may sometimes delay to punish them.
 ‘ The law will be known to-morrow to far the
 ‘ greatest number of those who may be tempted
 ‘ to defeat it; and if there be others that break
 ‘ it ignorantly, how will they find themselves
 ‘ injured by being only obliged to pay less than
 ‘ they promised, which is all that I should pro-
 ‘ pose without longer warning? The debate
 ‘ upon this particular will be at length reduced
 ‘ to a question, Whether a law for this purpose
 ‘ is

Mr. Fox's
reply.

‘ is just and expedient ? If a law be necessary, it
 ‘ is necessary that it should be executed, and it
 ‘ can be executed only by commencing to-mor-
 ‘ row.’

The Lord *Baltimore* spoke thus.

Lord *Balti-
more's* speech

‘ Sir, It appears to me of no great importance
 ‘ how soon the operation of the law commences,
 ‘ or how long it is delayed, because I see no rea-
 ‘ son for imagining that it will at any time pro-
 ‘ duce the effects proposed by it. It has been
 ‘ the amusement, Sir, of a great part of my
 ‘ life, to converse with men whose inclinations
 ‘ or employments have made them well ac-
 ‘ quainted with maritime affairs, and amidst in-
 ‘ numerable other schemes for the promotion of
 ‘ trade, have heard some for the regulation of
 ‘ wages in trading ships, schemes at the first ap-
 ‘ pearance plausible and likely to succeed, but
 ‘ upon a nearer inquiry evidently intangled with
 ‘ insuperable difficulties, and never to be execu-
 ‘ ted without danger of injuring the commerce
 ‘ of the nation. The clause, Sir, now before us
 ‘ contains, in my opinion, one of those visionary
 ‘ provisions, which however infallible they may
 ‘ appear, will be easily defeated, and will have
 ‘ no other effect than to promote cunning and
 ‘ fraud, and to teach men those acts of collusion
 ‘ with which they would otherwise never have
 ‘ been acquainted.’

Richard Lockwood, Esq; spoke to this effect.

Mr. *Lock-
wood's*
speech.

‘ Sir, I agree with the honourable gentleman
 ‘ by whom this clause has been offered, that the
 ‘ end for which it is proposed, is worthy of the
 ‘ closest attention of the legislative power, and
 ‘ that the evils, of which the prevention is now
 ‘ endeavoured, may in some measure not only
 ‘ obstruct our traffick, but indanger our country;
 ‘ and

‘ and shall therefore very readily concur in any
 ‘ measures for this purpose, that shall not appear
 ‘ either unjust or ineffectual. Whether this
 ‘ clause will be sufficient to restrain all elusive
 ‘ contracts, and whether all the little artifices of
 ‘ interest are sufficiently obviated, I am yet una-
 ‘ ble to determine; but by a reflexion upon the
 ‘ multiplicity of relations to be considered, and
 ‘ the variety of circumstances to be adjusted in a
 ‘ provision of this kind, I am inclined to think,
 ‘ that it is not the business of a transient inquiry,
 ‘ or of a single clause, but that it will demand a
 ‘ separate law, and engage the deliberation and
 ‘ regard of this whole assembly.’

Sir John Barnard said.

‘ Sir, Notwithstanding the impatience and re- Sir John
Barnard's
speech.
 ‘ sentment with which some men see their mis-
 ‘ takes and ignorance detected, notwithstanding
 ‘ the reverence which negligence and haste are
 ‘ said to be intitled to from this assembly, I shall
 ‘ declare once more, without the apprehension of
 ‘ being confuted, that this bill was drawn up
 ‘ without consideration, and is defended without
 ‘ being understood; that after all the amend-
 ‘ ments which have been admitted, and all the
 ‘ additions proposed, it will be oppressive and
 ‘ ineffectual, a chaos of absurdities, and a mo-
 ‘ nument of ignorance.’

Sir Robert Walpole replied.

‘ Sir, The present business of this assembly is Sir Robert
Walpole's
reply.
 ‘ to examine the clause before us; but to de-
 ‘ viate from so necessary an inquiry into loud ex-
 ‘ clamations against the whole bill, is to obstruct
 ‘ the course of the debate, to perplex our atten-
 ‘ tion, and interrupt the house in its deliberation
 ‘ upon questions, in the determination of which
 ‘ the security of the publick is nearly concerned.

‘ The war, Sir, in which we are now engaged,
 ‘ and, I may add, engaged by the general re-
 ‘ quest of the whole nation, can be prosecuted
 ‘ only by the assistance of the seamen, from
 ‘ whom it is not to be expected that they will sa-
 ‘ crifice their immediate advantage to the secu-
 ‘ rity of their country. Publick spirit, where it
 ‘ is to be found, is the result of reflexion, re-
 ‘ fin’d by study, and exalted by education, and
 ‘ is not to be hoped for among those whom low
 ‘ fortune has condemned to perpetual drudgery.
 ‘ It must be therefore necessary to supply the de-
 ‘ fects of education, and to produce by salutary
 ‘ coercions those effects which it is vain to expect
 ‘ from other causes. That the service of the
 ‘ sailors will be set up to sale by auction, and
 ‘ that the merchants will bid against the govern-
 ‘ ment, is incontestable; nor is there any doubt
 ‘ that they will be able to offer the highest price,
 ‘ because they will take care to repay themselves
 ‘ by raising the value of their goods. Thus,
 ‘ without some restraint upon the merchants, our
 ‘ enemies, who are not debarred by their form
 ‘ of government from any method which policy
 ‘ can invent, or absolute power put in execution,
 ‘ will preclude all our designs, and set at defi-
 ‘ ance a nation superior to themselves.’

Sir John Barnard then said.

*Sir John
 Barnard's
 answer.*

‘ Sir, I think myself obliged by my duty to
 ‘ my country, and by my gratitude to those by
 ‘ whose industry we are enriched, and by whose
 ‘ courage we are defended, to make once more
 ‘ a declaration, not against particular clauses, not
 ‘ against single circumstances, but against the
 ‘ whole bill; a bill unjust and oppressive, ab-
 ‘ surd and ridiculous; a bill to harass the indus-
 ‘ trious, and distress the honest, to puzzle the
 ‘ wise, and add power to the cruel; a bill which
 ‘ cannot

' cannot be read without astonishment, nor passed
' without the violation of our constitution, and
' an equal disregard of policy and humanity.
' All these assertions will need to be proved only
' by a bare perusal of this hateful bill, by which
' the meanest, the most worthless reptile, ex-
' alted to a petty office by serving a wretch only
' superior to him in fortune, is enabled to flush
' his authority by tyrannizing over those who
' every hour deserve the publick acknowledg-
' ments of the community; to intrude upon the
' retreats of brave men, fatigued and exhausted
' by honest industry, to drag them out with all
' the wantonness of groveling authority, and
' chain them to the oar without a moment's re-
' spite, or perhaps oblige them to purchase,
' with the gains of a dangerous voyage, or the
' plunder of an enemy lately conquer'd, a short
' interval to settle their affairs, or bid their chil-
' dren farewell. Let any gentleman in this
' house, let those, Sir, who now sit at ease, pro-
' jecting laws of oppression, and conferring up-
' on their own slaves such licentious authority,
' pause a few moments, and imagine themselves
' exposed to the same hardships by a power su-
' perior to their own; let them conceive them-
' selves torn from the tenderness and caresses of
' their families by mid-night irruptions, dragg'd
' in triumph through the streets by a despicable
' officer, and placed under the command of those
' by whom they have perhaps been already op-
' pressed and insulted. Why should we imagine
' that the race of men, for whom these cruel-
' ties are preparing, have less sensibility than
' ourselves? Why should we believe that they
' will suffer without complaint, and be injur'd
' without resentment? Why should we conceive
' that they will not at once deliver themselves,
' and punish their oppressors, by deserting that
Vol. XXI. D d ' country

country where they are consider'd as felons, and laying hold on those rewards and privileges which no other government will deny them? This is indeed the only tendency, whatever may have been the intention of the bill now before us; for I know not whether the most refin'd sagacity can discover any other method of discouraging navigation, than those which are drawn together in the bill now before us. We first give our constables an authority to hunt the sailors like thieves, and drive them by incessant pursuit out of the nation; but lest any man should by friendship, good fortune, or the power of money, find means of staying behind, we have with equal wisdom condemn'd him to poverty and misery; and lest the natural courage of his profession should incite him to assist his country in the war, have contrived a method of precluding him from any advantage that he might have the weakness to hope from his fortitude and diligence. What more can be done, unless we at once prohibit to seamen the use of the common elements, or doom them to a general proscription?

It is just that advantage, Sir, should be proportion'd to the hazard by which it is to be obtained, and therefore a sailor has an honest claim to an advance of wages in time of war; it is necessary to excite expectation, and to fire ambition by the prospect of great acquisitions, and by this prospect it is that such numbers are daily allured to naval business, and that our privateers are filled with adventurers. The large wages which war makes necessary, are more powerful incentives to those whom impatience of poverty determines to change their state of life, than the secure gains of peaceful commerce, for the danger is over-look'd

‘ look’d by a mind intent upon the profit. War
‘ is the harvest of a sailor, in which he is to store
‘ provisions for the winter of old age, and if we
‘ blast this hope, he will inevitably sink into in-
‘ dolence and cowardice. Many of the sailors are
‘ bred up to trades, or capable of any laborious
‘ employment upon land, nor is there any reason
‘ for which they expose themselves to the dan-
‘ gers of a seafaring life, but the hope of sudden
‘ wealth, and some lucky season in which they
‘ may improve their fortunes by a single effort.
‘ Is it reasonable to believe that all these will not
‘ rather have recourse to their former callings,
‘ and live in security, though not in plenty, than
‘ encounter danger and poverty at once, and face
‘ an enemy without any prospect of recompence?

‘ Let any man recollect the ideas that arose in
‘ his mind upon hearing of a bill for encouraging
‘ and increasing sailors, and examine whether he
‘ had any expectation of expedients like these. I
‘ suppose it was never known before that men
‘ were to be encouraged by subjecting them to
‘ peculiar penalties, or that to take away the gains
‘ of a profession, was a method of recommending it
‘ more generally to the people. But it is not of
‘ very great importance to dwell longer upon the
‘ impropriety of this clause, which there is no
‘ possibility of putting in execution. That the
‘ merchants will try every method of eluding a
‘ law so prejudicial to their interest, may be easily
‘ imagin’d, and a mind not very fruitful of eva-
‘ sions, will discover, that this law may be eluded
‘ by a thousand artifices. If the merchants are
‘ restrained from allowing men their wages beyond
‘ a certain sum, they will make contracts for the
‘ voyage, of which the time may very easily be
‘ computed; they may offer a reward for expedi-
‘ tion and fidelity, they may pay a large sum by
‘ way of advance, they may allow the sailors part

of the profits, or may offer money by a third hand. To fix the price of any commodity, of which the quantity and the use may vary their proportions, is the most excessive degree of ignorance. No man can determine the price of corn, unless he can regulate the harvest, and keep the number of the people for ever at a stand.

But let us suppose these methods as efficacious as their most sanguine vindicators are desirous of representing them, it does not yet appear that they are necessary, and to inflict hardships without necessity, is by no means the practice of either wisdom or benevolence. To tyrannize and compel is the low pleasure of petty capacities, of narrow minds, swell'd with the pride of uncontrollable authority, the wantonness of wretches who are insensible of the consequences of their own actions, and of whom candor may perhaps determine, that they are only cruel because they are stupid. Let us not exalt into a precedent, the most unjust and rigorous law of our predecessors, of which they themselves declared their repentance, or confessed the inefficacy, by never reviving it; let us rather endeavour to gain the sailors by lenity and moderation, and reconcile them to the service of the crown by real encouragements; for it is rational to imagine, that in proportion as men are disgusted by injuries, they will be won by kindness. There is one expedient, Sir, which deserves to be tried, and from which at least more success may be hoped than from cruelty, hunger, and persecution. The ships that are now to be fitted out for service, are those of the first magnitude, which it is usual to bring back into the ports in winter. Let us therefore promise to all seamen that shall voluntarily engage in them, besides the reward already proposed, a discharge from the service at the end of six or seven months. By this they will be released

' released from their present dread of perpetual
 ' slavery, and be certain, as they are when in the
 ' service of the merchants, of a respite from their
 ' fatigues. The trade of the nation will be only
 ' interrupted for a time, and may be carried on in
 ' the winter months, and large sums will be saved
 ' by dismissing the seamen when they cannot be
 ' employed. By adding this to the other methods
 ' of encouragement, and throwing aside all rigor-
 ' ous and oppressive schemes, the navy may easily
 ' be mann'd, our country protected, our com-
 ' merce re-establish'd, and our enemies subdued;
 ' but to pass the bill as it now stands, is to deter-
 ' mine that trade shall cease, and that no ship shall
 ' sail out of the river.'

William Pitt, Esq; spoke to the following purport.

' Sir, It is common for those to have the great-
 ' est regard to their own interest who discover the
 ' least for that of others. I do not, therefore,
 ' despair of recalling the advocates of this bill from
 ' the prosecution of their favourite measures by
 ' arguments of greater efficacy than those which
 ' are founded on reason and justice. Nothing,
 ' Sir, is more evident, than that some degree of
 ' reputation is absolutely necessary to men who
 ' have any concern in the administration of a go-
 ' vernment like ours; they must either secure the
 ' fidelity of their adherents by the assistance of
 ' wisdom, or of virtue; their enemies must either be
 ' awed by their honesty, or terrified by their cun-
 ' ning. Mere artless bribery will never gain a suffi-
 ' cient majority to set them entirely free from ap-
 ' prehensions of censure. To different tempers dif-
 ' ferent motives must be applied: Some, who place
 ' their felicity in being accounted wise, are in very
 ' little care to preserve the character of honesty;
 ' others may be persuaded to join in measures which
 ' they easily discover to be weak and ill-concerted,
 ' because

*Mr. Pitt's
speech.*

' because they are convinced that the authors of
 ' them are not corrupt, but mistaken, and are un-
 ' willing that any man should be punished for na-
 ' tural defects or casual ignorance. I cannot say,
 ' Sir, which of these motives influence the advo-
 ' cates for the bill before us; a bill in which such
 ' cruelties are proposed as are yet unknown among
 ' the most savage nations, such as slavery has not
 ' yet borne, or tyranny invented, such as cannot
 ' be heard without resentment, nor thought of
 ' without horror. It is, Sir, perhaps, not unfor-
 ' tunate, that one more expedient has been added
 ' rather ridiculous than shocking, and that these
 ' tyrants of the administration, who amuse them-
 ' selves with oppressing their fellow subjects, who
 ' add without reluctance one hardship to another,
 ' invade the liberty of those whom they have al-
 ' ready overborn with taxes, first plunder and then
 ' imprison, who take all opportunities of height-
 ' ening the publick distresses, and make the mis-
 ' eries of war the instruments of new oppressions,
 ' are too ignorant to be formidable, and owe their
 ' not to their abilities, but to casual prosperity, or
 ' to the influence of money.

' The other clauses of this bill, complicated at
 ' once with cruelty and folly, have been treated
 ' with becoming indignation; but this may be
 ' considered with less ardour of resentment, and
 ' fewer emotions of zeal, because, though perhaps
 ' equally iniquitous, it will do no harm; for a law
 ' that can never be executed can never be felt.
 ' That it will consume the manufacture of paper
 ' and swell the books of statutes, is all the good
 ' or hurt that can be hoped or fear'd from a law
 ' like this; a law which fixes what is in its own
 ' nature mutable, which prescribes rules to the
 ' seasons and limits to the wind. I am too well
 ' acquainted, Sir, with the disposition of its two
 ' chief supporters, to mention the contempt with
 ' which

' which this law will be treated by posterity, for
 ' they have already shewn abundantly their disre-
 ' gard of succeeding generations; but I will re-
 ' mind them, that they are now venturing their
 ' whole interest at once, and hope they will recol-
 ' lect before it is too late, that those who believe
 ' them to intend the happiness of their country,
 ' will never be confirmed in their opinion by open
 ' cruelty and notorious oppression; and that those
 ' who have only their own interest in view, will
 ' be afraid of adhering to those leaders, how-
 ' ever old and practised in expedients, however
 ' strengthen'd by corruption, or elated with pow-
 ' er, who have no reason to hope for success from
 ' either their virtue or abilities.'

Mr. *Batburst* next spoke to this effect.

' Sir, The clause now under our consideration Mr. Ba-
 ' is so inconsiderately drawn up, that it is impossi- burst's
 ' ble to read it in the most cursory manner, with- speech.
 ' out discovering the necessity of numerous a-
 ' mendments; no malicious subtilties or artful de-
 ' ductions are required in raising objections to this
 ' part of the bill, they croud upon us without be-
 ' ing sought, and instead of exercising our sagaci-
 ' ty, weary our attention. The first error, or ra-
 ' ther one part of a general and complicated error,
 ' is the computation of time not by days but by
 ' kalendar months, which, as they are not equal
 ' one to another, may embarrass the account be-
 ' tween the sailors and those that employ them.
 ' In all contracts of a short duration, the time is
 ' to be reckoned by weeks and days, by certain
 ' and regular periods, which has been so constant-
 ' ly the practice of the seafaring-men, that perhaps
 ' many of them do not know the meaning of a
 ' kalendar month: This indeed is a neglect of no
 ' great importance, because no man can be depri-
 ' ved by it of more than the wages due for the
 ' labour

' labour of a few days; but the other part of this
 ' clause is more seriously to be consider'd, as it
 ' threatens the sailors with greater injuries. For it
 ' is to be enacted, That all contracts made for more
 ' wages than are here allowed shall be totally void.
 ' It cannot be denied to be possible, and in my
 ' opinion it is very likely, that many contracts
 ' will be made without the knowledge of this law,
 ' and consequently without any design of violating
 ' it; but ignorance, inevitable ignorance, though
 ' it is a valid excuse for every other man, is no
 ' plea for the unhappy sailor; he must suffer, tho'
 ' innocent, the penalty of a crime; must undergo
 ' danger, hardships, and labour, without a recom-
 ' pence, and at the end of a successful voyage,
 ' after having enriched his country by his industry,
 ' return home to a necessitous family without be-
 ' ing able to relieve them. It is scarcely necessary,
 ' Sir, to raise any more objections to a clause in
 ' which nothing is right; but to shew how its
 ' imperfections multiply upon the slightest consi-
 ' deration, I take the opportunity to observe, that
 ' there is no provision made for regulating the
 ' voyages performed in less time than a month,
 ' so that the greatest part of the abuses, which
 ' have been represented as the occasion of this
 ' clause, are yet without remedy, and only those
 ' sailors who venture far, and are exposed to the
 ' greatest dangers, are restrain'd from receiving an
 ' adequate reward.

' Thus much, Sir, I have said upon the suppo-
 ' sition, that a regulation of the sailors wages is
 ' either necessary or just, a supposition of which I
 ' am very far from discovering the truth. That
 ' it is just to oppress the most useful of our fellow-
 ' subjects, to load those men with peculiar hard-
 ' ships to whom we owe the plenty that we enjoy,
 ' the power that yet remains in the nation, and
 ' which neither the folly nor the cowardice of mi-
 ' nisters

' nisters have yet been able to destroy, and the se-
 ' curity in which we now sit and hold our consulta-
 ' tions; that it is just to lessen our payments at a time
 ' when we increase the labour of those who are
 ' hired, and to expose men to danger without re-
 ' compence, will not easily be proved even by
 ' those who are most accustomed to paradoxes,
 ' and are ready to undertake the proof of any
 ' position which it is their interest to find true.
 ' Nor is it much more easy to shew the necessity
 ' of this expedient in our present state, in which
 ' it appears from the title of the bill, that our
 ' chief endeavour should be the increase and en-
 ' couragement of sailors, and, I suppose, it has
 ' not often been discover'd, that by taking away
 ' the profits of a profession greater numbers have
 ' been allured to it. The high wages, Sir, paid
 ' by merchants are the chief incitements that pre-
 ' vail upon the ambitious, the necessitous, or the
 ' avaritious, to forsake the ease and security of
 ' the land, to leave easy trades, and healthful em-
 ' ployments, and expose themselves to an element
 ' where they are not certain of an hour's safety.
 ' The service of the merchants is the nursery in
 ' which seamen are trained up for his Majesty's na-
 ' vies, and from thence we must, in time of danger,
 ' expect those forces by which alone we can be pro-
 ' tected. If, therefore, it is necessary to encourage
 ' sailors, it is necessary to reject all measures that
 ' may terrify or disgust them; and as their numbers
 ' must depend upon our trade, let us not embarrass
 ' the merchants with any other difficulties than those
 ' which are inseparable from war, and which very
 ' little care has been hitherto taken to alleviate.'

William Hay, Esq; replied.

' Sir, The objections which have been urged Mr. Hay's
 ' with so much ardour, and display'd with such answer.
 ' power of eloquence, are not, in my opinion,
 ' formi-

' formidable enough to discourage us from pro-
 ' secuting our measures ; some of them may be,
 ' perhaps, readily answered, and the rest easily
 ' removed. The computation of time, as it
 ' now stands, is allow'd not to produce any for-
 ' midable evil, and therefore did not require so
 ' rhetorical a censure, the inconveniency of ka-
 ' lendar months may easily be removed by a lit-
 ' tle candour in the contracting parties, or that
 ' the objection may not be repeated to the inter-
 ' ruption of the debate, weeks or days may be
 ' substituted, and the usual reckoning of the
 ' failors be still continued. That some contracts
 ' may be annulled, and inconveniencies or de-
 ' lays of payment arise, is too evident to be
 ' questioned ; but in that case the failor may
 ' have his remedy provided, and be enabled to
 ' obtain, by an easy process, what he shall be
 ' judg'd to have deserved ; for it must be al-
 ' low'd reasonable, that every man who labours
 ' in honest and useful employments, should re-
 ' ceive the reward of his diligence and fidelity.
 ' Thus, Sir, may the clause, however loudly cen-
 ' sured, and violently opposed, be made useful
 ' and equitable, and the publick service advan-
 ' ced without injury to individuals.'

Sir *Robert Walpole* next rose, and spoke as follows.

Sir *Robert*
Walpole's
speech.

' Sir, Every law which extends its influence
 ' to great numbers in various relations and cir-
 ' cumstances, must produce some consequences
 ' that were never foreseen or intended, and is to
 ' be censured or applauded as the general ad-
 ' vantages or inconveniencies are found to pre-
 ' ponderate. Of this kind is the law before us,
 ' a law enforced by the necessity of our affairs,
 ' and drawn up with no other intention than to
 ' secure the publick happiness, and produce that
 ' success

‘ success which every man’s interest must prompt
‘ him to desire. If in the execution of this
‘ law, Sir, some inconveniencies should arise,
‘ they are to be remedied as fast as they are dis-
‘ covered ; or if not capable of a remedy, to be
‘ patiently borne in consideration of the general
‘ advantage. That some temporary disturban-
‘ ces may be produced, is not improbable ; the
‘ discontent of the sailors may for a short time
‘ rise high, and our trade be suspended by their
‘ obstinacy ; but obstinacy, however determined,
‘ must yield to hunger, and when no higher wa-
‘ ges can be obtained, they will cheerfully ac-
‘ cept of those which are here allowed them.
‘ Short voyages, indeed, are not comprehended
‘ in the clause, and therefore the sailors will en-
‘ gage in them upon their own terms ; but this
‘ objection can be of no weight with those that
‘ oppose the clause, because, if it is unjust to li-
‘ mit the wages of the sailors, it is just to leave
‘ those voyages without restriction ; and those
‘ that think the expedient here proposed equita-
‘ ble and rational, may perhaps be willing to
‘ make some concessions to those who are of a
‘ different opinion. That the bill will not re-
‘ move every obstacle to success, nor add weight
‘ to one part of the balance, without making
‘ the other lighter ; that it will not supply the
‘ navy, without incommoding the merchants in
‘ some degree ; that it may be sometimes eva-
‘ ded by cunning, and sometimes abused by ma-
‘ lice, and that at last it will be less efficacious
‘ than is desired, may perhaps be proved ; but
‘ it has not yet been proved, that any other
‘ measures are more eligible, or that we are not
‘ to promote the publick service as far as we are
‘ able, though our endeavours may not produce
‘ effects equal to our wishes.’

Sir

Sir *John Barnard* then spoke to this effect :

Sir *John
Barnard's*
speech.

‘ Sir, I know not by what fatality it is that nothing can be urged in defence of the clause before us, which does not tend to discover its weakness and inefficacy. The warmest patrons of this expedient are impelled by the mere force of conviction to such concessions as invalidate all their arguments, and leave their opponents no necessity of replying. If short voyages are not comprehended in this provision, what are we now controverting? what but the expedience of a law that will never be executed? The sailors, however they are contemned by those who think them only worthy to be treated like beasts of burden, are not yet so stupid but that they can easily find out, that to serve a fortnight for greater wages is more eligible, than to toil a month for less; and as the numerous equipments that have been lately made have not left many more sailors in the service of the merchants than may be employ’d in the coasting trade, those who traffick to remoter parts must shut up their books and wait till the expiration of this act, for an opportunity of renewing their commerce. To regulate the wages for one voyage, and to leave another without limitation in time of scarcity of seamen, is absolutely to prohibit that trade which is so restrained, and is doubtless a more effectual embargo than has been yet invented. Let any man but suppose that the *East-India* company were obliged to give only half the wages that other traders allow, and consider how that part of our commerce could be carried on; would not their goods rot in their ware-houses, and their ships lie for ever in the harbour? Would not the sailors refuse to contract with them? or desert them after a contract, upon the first prospect of more advantageous employment? But
‘ it

' it is not requisite to multiply arguments in a ques-
 ' tion which may not only be decided without
 ' long examination, but in which we may deter-
 ' mine our conclusions by the experience of our
 ' ancestors. Scarcely any right or wrong measures
 ' are without a precedent, and amongst others
 ' this expedient has been tried by the wisdom of
 ' former times; a law was once made for limiting
 ' the wages of taylors, and that it is totally in-
 ' effectual we are all convinced. Experience is a
 ' very safe guide in political inquiries, and often
 ' discovers what the most enlightened reason failed
 ' to foresee. Let us therefore improve the errors of
 ' our ancestors to our own advantage, and whilst
 ' we neglect to imitate their virtues, let us at least
 ' forbear to repeat their follies.'

Micajah Perry, Esq; spoke to this purpose :

' Sir, There is one objection more, which my Mr. Perry's
speech.
 ' acquaintance with foreign trade impresses too
 ' strongly upon my mind to suffer me to conceal
 ' it. It is well known that the condition of a
 ' seaman subjects him to the necessity of spending
 ' a great part of his life at a distance from his na-
 ' tive country, in places where he can neither
 ' hear of our designs, nor be instructed in our
 ' laws, and therefore it is evident, that no law
 ' ought to affect him, before a certain period of
 ' time in which he may reasonably be supposed to
 ' have been informed of it. For every man ought
 ' to have it in his power to avoid punishment,
 ' and to suffer only for negligence, or obstinacy.
 ' It is quite unnecessary, Sir, to observe to this
 ' assembly, that there are now, as at all times,
 ' great numbers of sailors in every part of
 ' the world, and that they at least equally de-
 ' serve our regard with those who are under the
 ' more immediate influence of the government.
 ' These seamen have already contracted for the
 ' price

‘ price of their labour, and the recompence of
 ‘ their hazards, nor can we, in my opinion, with-
 ‘ out manifest injustice, dissolve a contract found-
 ‘ ed upon equity, and confirmed by law.

‘ It is, Sir, an undisputed principle of govern-
 ‘ ment, that no persons should be punished with-
 ‘ out a crime; but is it no punishment to deprive
 ‘ a man of what is due to him by a legal stipula-
 ‘ tion, the condition of which is on his part ho-
 ‘ nestly fulfilled? Nothing, Sir, can be imagin’d
 ‘ more calamitous, than the disappointment to
 ‘ which this law subjects the unhappy men who
 ‘ are now promoting the interest of their coun-
 ‘ try in distant places amidst dangers and hard-
 ‘ ships, in unhealthy climates, and barbarous na-
 ‘ tions, where they comfort themselves under the
 ‘ fatigues of labour, and the miseries of sickness,
 ‘ with the prospect of the sum which they shall
 ‘ gain for the relief of their families, and the
 ‘ respite which their wages will enable them to
 ‘ enjoy; but upon their return they find their
 ‘ hopes blasted, and their contracts dissolved by a
 ‘ law made in their absence. No human being, I
 ‘ think, can coolly and deliberately inflict a hard-
 ‘ ship like this, and therefore I doubt not but
 ‘ those who have by inadvertency given room
 ‘ for this objection, will either remove it by an
 ‘ amendment, or what is, in my opinion, more
 ‘ eligible, reject the clause as inexpedient, useless,
 ‘ and unjust.’

Sir *William Yonge* spoke next, to this effect :

Sir *William*
Yonge's
speech.

‘ Sir, This debate has been protracted, not by
 ‘ any difficulties arising from the nature of the
 ‘ questions, which have been the subject of it,
 ‘ but by a neglect with which almost all the op-
 ‘ ponents of the bill may be justly charged, the
 ‘ neglect of distinguishing between measures eli-
 ‘ gible in themselves, and measures preferable to
 ‘ con-

‘ consequences, which are apprehended from particular conjectures ; between laws made only to advance the publick happiness and expedients of which the benefit is merely occasional, and of which the sole intention is to avert some national calamity, and which are to cease with the necessity that produced them. Such are the measures, Sir, which are now intended; measures, which in days of ease, security, and prosperity, it would be the highest degree of weakness to propose, but of which I cannot see the absurdity in times of danger and distress. Such laws are the medicines of a state, useless and nauseous in health, but preferable to a lingering disease, or to a miserable death. Even those measures, Sir, which have been mentioned as most grossly absurd, and represented as parallel to the provision made in this clause only to expose it to contempt and ridicule, may in particular circumstances be rational and just. To settle the price of corn in the time of a famine, may become the wisest state, and multitudes might in time of publick misery, by the benefit of temporary laws, be preserved from destruction. Even those marks to which with a prosperous gale, the ship owes its usefulness and its speed, are often cut down by the sailors in the fury of a storm. With regard to the ships which are now in distant places, whither no knowledge of this law can possibly be convey’d, it cannot be denied that their crews ought to be secured from injury by some particular exception; for tho’ it is evident in competitions between publick and private interest, which ought to be preferred, yet we ought to remember, that no unnecessary injury is to be done to individuals, even while we are providing for the safety of the nation.’

Nicks-

Nicholas Fazakerley, Esq; spoke to this effect :

*Mr. Fazakerley's
speech.*

‘ Sir, Tho’ I cannot be supposed to have much
 ‘ acquaintance with naval affairs, and therefore
 ‘ may not perhaps discover the full force of the
 ‘ arguments that have been urged in favour of
 ‘ the clause now under consideration, yet I can-
 ‘ not but think myself under an indispensable
 ‘ obligation to examine it as far as I am able, and
 ‘ to make use of the knowledge which I have ac-
 ‘ quir’d, however inferior to that of others. The
 ‘ argument, Sir, the only real argument, which
 ‘ has been produced in favour of the restraint of
 ‘ wages, now proposed, appears to me by no
 ‘ means conclusive; nor can I believe that the
 ‘ meanest and most ignorant seaman would, if it
 ‘ were proposed to him, hesitate a moment for an
 ‘ answer to it. Let me suppose, Sir, a merchant
 ‘ urging it as a charge against a seaman, that he
 ‘ raises his demand of wages in time of war, would
 ‘ not the sailor readily reply, That harder labour
 ‘ required larger pay? Would he not ask, why the
 ‘ general practice of mankind is charged as a
 ‘ crime upon him only? Inquire, says he, of the
 ‘ workmen in the docks, have they not double
 ‘ wages for double labour? And is not their lot safe
 ‘ and easy in comparison with mine, who at once
 ‘ encounter danger, and support fatigue; carry on
 ‘ war and commerce at the same time, to conduct
 ‘ the ship, and oppose the enemy, and am equally
 ‘ exposed to captivity and ship-wreck? That this
 ‘ is in reality the state of a sailor in time of war,
 ‘ I think, Sir, is too evident to require proof; nor
 ‘ do I see what reply can be made to the sailor’s
 ‘ artless expostulation. I know not why the
 ‘ sailors alone should serve their country to their
 ‘ disadvantage, and be expected to encounter dan-
 ‘ ger without the incitement of a reward. Or
 ‘ will any part of the hardships of this clause be
 ‘ alle-

' alleviated by the expedient suggested by an honourable member, who spoke some time ago, of granting, or allowing, to a sailor, whose contract shall be void, what our courts of law should adjudge him to deserve, a *quantum meruit*. For, according to the general interpretation of our statutes, it will be determined, that he has forfeited his whole claim by illegal contract. To instance, Sir, the statute of usury. He that stipulates for higher interest than is allowed, is not able to recover his legal demand, but irrecoverably forfeits the whole. Thus, Sir, an unhappy sailor, who shall innocently transgress this law, must lose all the profit of his voyage, and have nothing to relieve him after his fatigues; but when he has by his courage repel'd the enemy, and by his skill escaped storms and rocks, must suffer yet severer hardships, in being subject to a forfeiture where he expected applause, comfort, and recompence.

Mr. Attorney General spoke next to this purport.

' Sir, The clause before us cannot, in my opinion, produce any such dreadful consequences as the learned gentleman appears to imagine: However, to remove all difficulties, I have drawn up an amendment, which I shall beg leave to propose, "That the contracts which may be affected as the clause now stands, shall be void only as to so much of the wages as shall exceed the sum to which the house shall agree to reduce the seamens pay;" and as to the forfeitures, they are not to be levied upon the sailors, but upon the merchants, or trading companies who employ them, and who are able to pay greater sums without being involved in poverty and distress. With regard,

Mr. Attorney General's speech.

‘ Sir, to the reasons for introducing this clause,
 ‘ they are, in my judgment, valid and equitable.
 ‘ We have found it necessary to fix the rate of
 ‘ money at interest, and the rate of labour in se-
 ‘ veral cases, and if we do not in this case, what
 ‘ will be the consequence? A second embargo
 ‘ on commerce, and perhaps a total stop to all
 ‘ military preparations. Is it reasonable that any
 ‘ man should rate his labour according to the im-
 ‘ mediate necessities of those that employ him?
 ‘ Or that he should raise his own fortune by the
 ‘ publick calamities? If this has hitherto been a
 ‘ practice, it is a practice contrary to the general
 ‘ happiness of society, and ought to prevail no
 ‘ longer. If the sailor, Sir, is exposed to greater
 ‘ dangers in time of war, is not the merchant’s
 ‘ trade carried on likewise at greater hazard? Is
 ‘ not the freight, equally with the sailors, threat-
 ‘ ened at once by the ocean and the enemy? And
 ‘ is not the owner’s fortune equally impaired,
 ‘ whether the ship is dash’d upon a rock, or
 ‘ seized by a privateer? The merchant, there-
 ‘ fore, has as much reason for paying less wages
 ‘ in time of war, as the sailor for demanding
 ‘ more, and nothing remains, but that the legis-
 ‘ lative power determine a medium between
 ‘ their different interests, with justice, if possi-
 ‘ ble, at least with impartiality.’

Horatio Walpole, Esq; who had stood up several times, but was prevented by other members, spoke next, to this purport.

*Mr. Wal-
 pole's speech.*

‘ Sir, I was unwilling to interrupt the course
 ‘ of this debate while it was carried on with
 ‘ calmness and decency, by men who do not suf-
 ‘ fer the ardour of opposition to cloud their rea-
 ‘ son, or transport them to such expressions as
 ‘ the dignity of this assembly does not admit. I
 ‘ have hitherto deferr’d to answer the gentleman,
 ‘ who

‘ who declaimed against the bill with such flu-
‘ ency of rhetorick, and such vehemence of
‘ gesture, who charged the advocates for the ex-
‘ pedients now proposed, with having no regard
‘ to any interest but their own, and with making
‘ laws only to consume paper, and threatened
‘ them with the defection of their adherents,
‘ and the loss of their influence, upon this new
‘ discovery of their folly, and their ignorance.
‘ Nor, Sir, do I now answer him for any other
‘ purpose, than to remind him how little the
‘ clamours of rage, and petulancy of invectives,
‘ contribute to the purposes for which this assem-
‘ bly is called together; how little the discovery
‘ of truth is promoted, and the security of the
‘ nation established by pompous diction, and
‘ theatrical emotions. Formidable sounds, and
‘ furious declamations, confident assertions, and
‘ lofty periods, may affect the young and unex-
‘ periened, and perhaps the gentleman may
‘ have contracted his habits of oratory by con-
‘ versing more with those of his own age, than
‘ with such as have had more opportunities of
‘ acquiring knowledge, and more successful me-
‘ thods of communicating their sentiments. If
‘ the heat of his temper, Sir, would suffer him
‘ to attend to those whose age and long ac-
‘ quaintance with business give them an indispu-
‘ table right to deference and superiority, he
‘ would learn, in time, to reason rather than de-
‘ claim, and to prefer justness of argument, and
‘ an accurate knowledge of facts, to sounding
‘ epithets and splendid superlatives, which may
‘ disturb the imagination for a moment, but
‘ leave no lasting impression on the mind. He
‘ will learn, Sir, that to accuse and prove are
‘ very different, and that reproaches unsupported
‘ by evidence, affect only the character of him
‘ that utters them. Excursions of fancy, and
E e 2 ‘ flights

‘ flights of oratory, are indeed pardonable in
 ‘ young men, but in no other; and it would
 ‘ surely contribute more, even to the purpose for
 ‘ which some gentlemen appear to speak, that
 ‘ of depreciating the conduct of the adminis-
 ‘ tration, to prove the inconveniencies and injustice
 ‘ of this bill, than barely to assert them, with
 ‘ whatever magnificence of language, or ap-
 ‘ pearance of zeal, honesty, or compassion.’

William Pitt, Esq; replied.

Mr. Pitt's]
 reply.

‘ Sir, The atrocious crime of being a young
 ‘ man, which the honourable gentleman has with
 ‘ such spirit and decency charged upon me, I
 ‘ shall neither attempt to palliate, nor deny, but
 ‘ content myself with wishing that I may be one
 ‘ of those whose follies may cease with their
 ‘ youth, and not of that number, who are igno-
 ‘ rant in spite of experience. Whether youth
 ‘ can be imputed to any man as a reproach, I will
 ‘ not, Sir, assume the province of determining;
 ‘ but surely age may become justly contemptible,
 ‘ if the opportunities which it brings have past
 ‘ away without improvement, and vice appears
 ‘ to prevail when the passions have subsided. The
 ‘ wretch that, after having seen the consequences
 ‘ of a thousand errors, continues still to blunder,
 ‘ and whose age has only added obstinacy to stu-
 ‘ pidity, is surely the object of either abhorrence
 ‘ or contempt, and deserves not that his grey
 ‘ head should secure him from insults. Much
 ‘ more, Sir, is he to be abhorr'd, who, as he
 ‘ has advanced in age, has receded from virtue,
 ‘ and becomes more wicked with less temptation;
 ‘ who prostitutes himself for money which he
 ‘ cannot enjoy, and spends the remains of his
 ‘ life in the ruin of his country. But youth,
 ‘ Sir, is not my only crime; I have been accu-
 ‘ sed of acting a theatrical part. A theatrical
 ‘ part

‘ part may either imply some peculiarities of
‘ gesture, or a dissimulation of my real senti-
‘ ments, and an adoption of the opinions and
‘ language of another man.

‘ In the first sense, Sir, the charge is too
‘ trifling to be confuted, and deserves only to be
‘ mentioned, that it may be despised. I am at
‘ liberty, like every other man, to use my own
‘ language; and though I may perhaps have
‘ some ambition to please this gentleman, I shall
‘ not lay myself under any restraint, nor very
‘ solicitously copy his diction, or his mein, how-
‘ ever matured by age, or modelled by experi-
‘ ence. If any man shall by charging me with
‘ theatrical behaviour imply, that I utter any
‘ sentiments but my own, I shall treat him as a
‘ calumniator, and a villain; nor shall any pro-
‘ tection shelter him from the treatment which
‘ he deserves. I shall, on such an occasion,
‘ without scruple, trample upon all those forms
‘ with which wealth and dignity intrench them-
‘ selves, nor shall any thing but age restrain my
‘ resentment; age, which always brings one pri-
‘ vilege, that of being insolent and supercilious
‘ without punishment. But with regard, Sir,
‘ to those whom I have offended, I am of opi-
‘ nion, that if I had acted a borrowed part, I
‘ should have avoided their censure; the heat
‘ that offended them is the ardour of conviction,
‘ and that zeal for the service of my country,
‘ which neither hope nor fear shall influence me
‘ to suppress. I will not sit unconcerned while
‘ my liberty is invaded, nor look in silence up-
‘ on publick robbery. I will exert my endea-
‘ vours at whatever hazard, to repel the ag-
‘ gressor, and drag the thief to justice, whoever
‘ may protect them in their villany, and whoever
‘ may partake of their plunder.—And if the
‘ honourable gentleman——

Here *Thomas Winnington*, Esq; call'd to order, and *William Pitt*, Esq; sitting down, he spoke thus.

Mr. *Winnington's*
speech.

' It is necessary, Sir, that the order of this
' assembly be observed, and the debate resumed
' without personal altercations. Such expressions
' as have been vented on this occasion, become
' not an assembly entrusted with the liberty and
' welfare of their country. To interrupt the
' debate on a subject so important as that before
' us, is, in some measure to obstruct the publick
' happiness, and violate our trust: But much
' more heinous is the crime of exposing our de-
' terminations to contempt, and inciting the
' people to suspicion and mutiny, by indecent
' reflections, or unjust insinuations. I do not,
' Sir, undertake to decide the controversy be-
' tween the two gentlemen, but must be allowed
' to observe, that no diversity of opinion can
' justify the violation of decency, and the use
' of rude and virulent expressions; expressions
' dictated only by resentment, and uttered with-
' out regard to——

Here *William Pitt*, Esq; call'd to order, and said.

Mr. *Pitt's*
second reply.

' Sir, If this be to preserve order, there is no
' danger of indecency from the most licentious
' tongue; for what calumny can be more atroci-
' ous, or what reproach more severe, than that
' of speaking with regard to any thing but
' truth. Order may sometimes be broken by
' passion, or inadvertency, but will hardly be re-
' establish'd by monitors like this, who cannot
' govern his own passion, whilst he is restraining
' the impetuosity of others. Happy, Sir, would
' it be for mankind, if every one knew his own
' province; we should not then see the same
' man

‘ man at once a criminal and a judge, nor would
 ‘ this gentleman assume the right of dictating to
 ‘ others what he has not learned himself. That
 ‘ I may return in some degree the favour which
 ‘ he intends me, I will advise him never hereafter
 ‘ to exert himself on the subject of order ; but
 ‘ whenever he finds himself inclined to speak on
 ‘ such occasions, to remember how he has now
 ‘ succeeded, and condemn in silence what his
 ‘ censures will never reform.’

Thomas Winnington, Esq; replied.

‘ Sir, As I was hindered by the gentleman’s
 ‘ ardour and impetuosity from concluding my Mr. Win-
 ‘ sentence, none but myself can know the equity nington’s an-
 ‘ or partialty of my intentions, and therefore as swer.
 ‘ I cannot justly be condemn’d, I ought to be
 ‘ supposed innocent ; nor ought he to censure a
 ‘ fault of which he cannot be certain that it
 ‘ would ever have been committed. He has in-
 ‘ deed exalted himself to a degree of authority
 ‘ never yet assumed by any member of this
 ‘ house, that of condemning others to silence.
 ‘ I am henceforward, by his inviolable decree,
 ‘ to sit and hear his harangues without daring to
 ‘ oppose him. How wide he may extend his
 ‘ authority, or whom he will proceed to include
 ‘ in the same sentence, I shall not determine ;
 ‘ having not yet arrived at the same degree of
 ‘ sagacity with himself, nor being able to fore-
 ‘ know what another is going to pronounce. If,
 ‘ I had given offence by any improper sallies of
 ‘ passion, I ought to have been censured by the
 ‘ concurrent voice of the assembly, or have re-
 ‘ ceived a reprimand, Sir, from you, to which I
 ‘ should have submitted without opposition ; but
 ‘ I will not be doomed to silence by one who has
 ‘ no pretensions to authority, and whose arbitrary
 ‘ decisions

‘decisions can only tend to introduce uproar, discord and confusion.’

Henry Pelham, Esq; next rose up and spoke to this effect.

*Mr. Pelham's
speech,*

‘Sir, When, in ardour of controversy upon interesting questions, the zeal of the disputants hinders them from a nice observation of decency and regularity, there is some indulgence due to the common weakness of our nature; nor ought any gentleman to affix to a negligent expression a more offensive sense than is necessarily implied by it. To search deep, Sir, for calumnies and reproaches is no laudable nor beneficial curiosity; it must always be troublesome to ourselves by alarming us with imaginary injuries, and may often be unjust to others by charging them with invectives which they never intended. General candour and mutual tenderness will best preserve our own quiet, and support that dignity which has always been accounted essential to national debates, and freedom infringed without dangerous consequences.’

Then *George Lyttelton, Esq;* spoke as follows.

*Mr. Lyttelton's
speech,*

‘Sir, No man can be more zealous for decency than myself, or more convinced of the necessity of a methodical prosecution of the question before us. I am well convinced how near indecency and faction are to one another, and how inevitably confusion produces obscurity; but I hope it will always be remembered, that he who first infringes decency, or deviates from method, is to answer for all the consequences that may arise from the neglect of parliamentary customs. For it is not to be expected that any man will bear reproaches without reply, or that he who wanders from the question
‘will

‘ will not be followed in his digressions and hunted through his labyrinths. It cannot, Sir, be denied, that some insinuations were uttered, injurious to those whose zeal may sometimes happen to prompt them to warm declarations, or incite them to passionate emotions. Whether I am of importance enough to be included in the censure, I despise it too much to enquire or consider, but cannot forbear to observe, that zeal for the right can never become reproachful, and that no man can fall into contempt but those who deserve it.’ The clause was amended and agreed to.

The committee having, upon the 10th, gone through the bill, *Francis Fane*, Esq; their chairman, reported to the house, that the committee had gone through the bill, and made several amendments thereunto, which they had directed him to report, when the house would please to receive the same; and the house ordered that the report should be received upon the *Friday* morning following, being the 13th.

Tho’ the committee had rejected all the clauses that were of dangerous consequence to the liberties of the subject, yet upon the said day, before the report was made, the following petition was presented by Sir *John Barnard*, who introduced it with a short speech, to this effect.

London merchants petition against the bill.

‘ Mr. Speaker,

‘ Sir, This petition I am directed to lay before this house by many of the principal merchants of that great city which I have the honour to represent; men too wise to be terrified with imaginary dangers, and too honest to endeavour the obstruction of any measures that may probably advance the publick good, merely because they do not concur with their private

Sir John Barnard's speech on presenting it.

‘ vate

‘ vate interest ; men, whose knowledge and capacity enable them to judge rightly, and whose acknowledged integrity and spirit set them above the suspicion of concealing their sentiments.

‘ I therefore present this petition in the name of the merchants of *London*, in full confidence that it will be found to deserve the regard of this assembly, tho’ I am equally with the other members a stranger to what it contains ; for it is my opinion, that a representative is to lay before the house the sentiments of his constituents, whether they agree with his own or not, and that therefore it would have been superfluous to examine the petition, which, though I might not wholly have approved it, I had no right to alter.’

The petition was read, and is as follows.

The humble petition of the merchants and traders of the city of *London* sheweth,

Copy of the
Petition.

That your petitioners are informed a bill is depending in this honourable house, for the encouragement and increase of seamen, and for the better and speedier manning his Majesty’s fleet, in which are clauses, that, should the bill pass into a law, your petitioners apprehend will be highly detrimental to the trade and navigation of this kingdom, by discouraging persons from entering into, or being bred to the sea-service, and intirely prevent the better and speedier manning his Majesty’s fleet, by giving the seamen of *Great Britain*, and of all other his Majesty’s dominions, a distaste of serving on board the royal navy.

That your petitioners conceive nothing can be of so bad consequence to the welfare and defence of this nation, as the treating so useful and valuable a body of men, who are its natural strength

strength and security, like criminals of the highest nature, and so differently from all other his Majesty's subjects; and at the same are persuaded, that the only effectual and speedy method of procuring, for the service of his Majesty's fleet, a proportionable number of the sailors in this kingdom, is to distinguish that body of men by bounties and encouragements, both present and future, and by abolishing all methods of severity and ill usage, particularly that practice whereby they are deprived, after long and hazardous voyages, of enjoying, for a short space of time, the comforts of their families, and equal liberty with other their fellow-subjects in their native country.

That your petitioners believe it will not be difficult to have such methods pointed out, as will tend to supply the present necessities, and at the same time effectually promote the increase of seamen, when this honourable house shall think fit to inquire into a matter of such high importance to the naval power, trade, and riches of this kingdom.

That your petitioners are convinced this bill will not only be ineffectual to answer the ends proposed by it, but will be destructive of the liberties of all his Majesty's subjects, as it impowers any parish-officer, accompanied with an unlimited number of persons, at any hour, by day or by night, to force open the dwelling-houses, warehouses, or other places, provided for the security and defence of their lives and fortunes, contrary to the undoubted liberties of the people of *Great Britain*, and the laws of this land.

In consideration, therefore, of the premises, and of the particular prejudices, hardships, and dangers, which must inevitably attend your petitioners, and all others the merchants and traders of this kingdom, should this bill pass into a law,

your petitioners most humbly pray this honourable house, that they may be heard by their counsel against the said clauses in the said bill.

Petition
from *Gloucester*
against
it.

This petition was ordered to lie upon the table; and then *Henry Bathurst*, Esq; presented a petition, and spoke as follows.

‘ Mr. Speaker,

Mr. *Bathurst*’s
speech on
presenting
it.

‘ Sir, The alarm which the bill now depending has raised, is not confined to the city of *London*, or to any particular part of his Majesty’s dominions; the whole nation is thrown into commotions, and the effects of the law now proposed are dreaded far and wide, as a general calamity. Every town which owes its trade and its provisions to navigation, apprehends the approach of poverty and scarcity, and those which are less immediately affected, consider the infraction of our liberties as a prelude to their destruction. Happy would it be, if we who are intrusted with their interest, could find any arguments to convince them that their terror was merely panick. That these fears have already extended their influence to the county which I represent, the petition which I now beg leave to lay before the house, will sufficiently evince, and I hope their remonstrances will prevail with this assembly to remove the cause of their disquiet, by rejecting the bill.’

This was intitled a petition of several gentlemen, freeholders, and other inhabitants of the county of *Gloucester*, in behalf of themselves and all other the freeholders of the said county, setting forth in substance,

Substance of
the said pe-
tition.

That the petitioners being inform’d that a bill was depending in this house, for the encouragement and increase of seamen, and for the better
and

and speedier manning his Majesty's fleet, containing several clauses, which, should the bill pass into a law, would, as the petitioners apprehend, impose hardships upon the people too heavy to be borne, and create discontents in the minds of his Majesty's subjects; would subvert all the rights and privileges of *Englishmen*, and overturn *Magna Charta* itself, the basis on which they are built; and by these means destroy that very liberty, for the preservation of which the present Royal Family was established upon the throne of this kingdom; for which reasons such a law could never be obeyed, or much blood would be shed in consequence of it.

Henry Pelham, Esq; then spoke to this purport.

' Sir, I have attended to this petition with the
' utmost impartiality, and have endeavour'd to
' affix to every period the most innocent sense,
' but cannot forbear to declare it as my opinion,
' that it is far distant from the stile of submission
' and request; instead of persuading they at-
' tempt to intimidate us, and menace us with no
' less than bloodshed and rebellion. They make
' themselves the judges of our proceedings, and
' appeal from our determinations to their own
' opinion, and declare that they will obey no
' longer than they approve. If such petitions as
' these, Sir, are admitted, if the legislature shall
' submit to receive laws, and subjects resume at
' pleasure the power with which the government
' is vested, what is this assembly but a conven-
' tion of empty phantoms, whose determinations
' are nothing more than a mockery of state?
' Every insult upon this house is a violation of
' our constitution, and the constitution, like every
' other fabrick, by being often batter'd must fall
' at last. It is indeed already destroyed, if there

Mr. Pel-
ham's
speech.

‘ be in the nation any body of men who shall
 ‘ with impunity refuse to comply with the laws,
 ‘ plead the great charter of liberty against those
 ‘ powers that made it, and fix the limits of their
 ‘ own obedience. I cannot, Sir, pass over in
 ‘ silence the mention of the King, whose title to
 ‘ the throne, and the reasons for which he was
 ‘ exalted to it, are set forth with uncommon art
 ‘ and spirit of diction; but spirit, which, in my
 ‘ opinion, appears not raised by zeal, but by se-
 ‘ dition, and which therefore it is our province
 ‘ to repress. That his Majesty reigns for the
 ‘ preservation of liberty, will be readily con-
 ‘ fessed, but how shall we be able to preserve it,
 ‘ if his laws are not obeyed? Let us therefore in
 ‘ regard to the dignity of the assembly, to the
 ‘ efficacy of our determinations, and the security
 ‘ of our constitution, discourage all those who
 ‘ shall address us for the future on this, or any
 ‘ other occasion, from speaking in the stile of
 ‘ governors and dictators, by refusing that this
 ‘ petition should be laid on the table.’

Upon the question’s being put, for this peti-
 tion to lie upon the table, it passed in the nega-
 tive, by a great majority; whereupon *Henry Pel-*
ham, Esq; rose up again, and spoke thus.

‘ Mr. Speaker,

Mr. Pelham’s
 second
 speech.

‘ Sir, I cannot but congratulate the house up-
 ‘ on the unanimity with which this petition, a pe-
 ‘ tition of which I speak in the softest language
 ‘ when I call it irreverent and disrespectful, has
 ‘ been refused the regard commonly paid to the
 ‘ remonstrances of our constituents, whose rights
 ‘ I am far from desiring to infringe, when I en-
 ‘ deavour to regulate their conduct, and recal
 ‘ them to their duty. This is an occasion, on
 ‘ which it is, in my opinion, necessary to exert

‘ our

‘ our authority with confidence and vigour, as
 ‘ the spirit of opposition must always be propor-
 ‘ tion’d to that of the attack. Let us therefore
 ‘ not only refuse to this petition the usual place
 ‘ on our table, but reject it as unworthy of this
 ‘ house.’

Upon which the petition was rejected without any debate.

The house then received the report from the committee upon the said bill, and after it was read, Sir *William Yonge* stood up, and spoke in the following manner.

Debate upon
the report of
the bill.

‘ Mr. Speaker,

‘ Sir, The bill has been brought by steady
 ‘ perseverance, and diligent attention, to such
 ‘ perfection, that much more important effects
 ‘ may be expected from it, than from any for-
 ‘ mer law for the same purpose, if it be execu-
 ‘ ted with the same calmness and resolution, the
 ‘ same contempt of popular clamour, and the
 ‘ same invariable and intrepid adherence to the
 ‘ publick good, that has been shewn in forming
 ‘ and defending it. But what can we hope from
 ‘ this, or any other law, if particular men, who
 ‘ cannot be convinc’d of its expedience, shall
 ‘ not only refuse to obey it, but declare their de-
 ‘ sign of obstructing the execution of it; shall
 ‘ determine to retire from the sphere of their
 ‘ authority, rather than exercise it in compli-
 ‘ ance with an act of Parliament, and threat-
 ‘ en, in plain terms, to call the country into
 ‘ their assistance, and to pour the rabble by
 ‘ thousands upon those who shall dare to do their
 ‘ duty, and obey their governors?

Sir William
Yonge's
speech.

‘ Such declarations as these, Sir, are little less
 ‘ than sallies of rebellion, and if they pass with-
 ‘ out censure, will perhaps produce such commo-
 ‘ tions

‘ tions as may require to be suppressed by other
 ‘ means than forms of law and parliamentary
 ‘ censures. Nor do I think that by rejecting the
 ‘ petition we have sufficiently established our au-
 ‘ thority, for in my opinion we yielded too
 ‘ much in receiving it. The bill before us,
 ‘ whatever may be its title, is in reality a money-
 ‘ bill, a bill by which aids are granted to the
 ‘ crown, and we have therefore no necessity of
 ‘ rejecting petitions on this occasion, because the
 ‘ standing orders of the house forbid us to ad-
 ‘ mit them.’

They then proceeded to the amendments, and when the clause for limiting the wages of seamen was read, Sir *John Barnard* rose up, and spoke to this effect.

Sir *John*
Barnard's
 speech.

‘ Sir, We are now to consider the clause to
 ‘ which the petition relates which I have now
 ‘ presented, a petition on a subject of so general
 ‘ importance, and offer'd by men so well ac-
 ‘ quainted with every argument that can be of-
 ‘ fered, and every objection which can be raised,
 ‘ that their request of being heard by their coun-
 ‘ cil, cannot be denied, without exposing us to
 ‘ the censure of adhering obstinately to our own
 ‘ opinions, of shutting our ears against informa-
 ‘ tion, of preferring expedition to security, and
 ‘ disregarding the welfare of our country. It
 ‘ will not be necessary to defer our determina-
 ‘ tions on this clause for more than three days,
 ‘ tho' we should gratify this just and common
 ‘ request. And will not this loss be amply com-
 ‘ pensated by the satisfaction of the people, for
 ‘ whose safety we are debating, and by the con-
 ‘ sciousness that we have neglected nothing
 ‘ which might contribute to the efficacy of our
 ‘ measures? The merchants, Sir, do not come
 ‘ before us with loud remonstrances and har-
 ‘ rassing

‘ raising complaints, they do not apply to our
‘ passions but our understandings, and offer such
‘ informations as will very much facilitate the pub-
‘ lick service. It has been frequent in the course
‘ of this debate to hear loud demands for better
‘ expedients, and more efficacious, than those
‘ which have been proposed, and is it to be con-
‘ ceiv’d, that those who called thus eagerly for
‘ new proposals intended not to inform themselves
‘ but to silence their opponents? From whom,
‘ Sir, are the best methods for the prosecution of
‘ naval affairs to be expected but from those whose
‘ lives are spent in the study of commerce, whose
‘ fortunes depend upon the knowledge of the sea,
‘ and who will most probably exert their abilities
‘ in contriving expedients to promote the success
‘ of the war, than they whom the miscarriage of
‘ our fleets must irreparably ruin?

‘ The merchants, Sir, are enabled by their
‘ profession to inform us, are deterr’d by their
‘ interest from deceiving us, they have like all
‘ other subjects, a right to be heard on any ques-
‘ tion, and a better right than any other when
‘ their interest is more immediately affected; and
‘ therefore to refuse to hear them, will be at once
‘ impolitick and cruel; it will discover at the same
‘ time a contempt of the most valuable part of
‘ our fellow subjects, and an inflexible adherence
‘ to our own opinions. The expedient of assert-
‘ ing this to be a money-bill, by which the
‘ just remonstrances of the merchants are intend-
‘ ed to be eluded, is too trivial and gross to
‘ be adopted by this assembly; if this bill can
‘ be termed a money-bill, and no petitions are
‘ therefore to be admitted against it, I know not
‘ any bill relating to the general affairs of the na-
‘ tion, which may not plead the same title to an
‘ exemption from petitions. I therefore desire
‘ that the consideration of this clause may be

‘ deferred for two days, that the arguments of
 ‘ the merchants may be examined, and that this
 ‘ affair may not be determined without the clearest
 ‘ knowledge, and exactest information.’

Sir Robert Walpole spoke next, to this effect :

Sir Robert
 Walpole's
 speech.

‘ Sir, The petition, whether justifiable or not,
 ‘ with regard to the occasion on which it is pre-
 ‘ sented, or the language in which it is expressed,
 ‘ is certainly offer'd at an improper time, and
 ‘ therefore can lay no claim to the regard of this
 ‘ assembly. The time prescribed by the rules of
 ‘ this house, for the reception of petitions is that,
 ‘ at which the bill is first introduced, not at
 ‘ which it is to be finally determined. The pe-
 ‘ tition before us is said not to regard the bill in
 ‘ general, but a particular clause; and it is there-
 ‘ fore asserted, that it may now properly be heard,
 ‘ but this plea will immediately vanish, when it
 ‘ shall be made appear that the clause is not men-
 ‘ tioned in it, and that there is no particular rela-
 ‘ tion between that and the petition, which I
 ‘ shall attempt —

Here Sir John Barnard, remarking that Sir Robert Walpole had the petition in his hand, rose and said,

Sir John
 Barnard's
 speech.

‘ Sir, I rise thus abruptly, to preserve the or-
 ‘ der of this assembly, and to prevent any gentle-
 ‘ man from having in this debate any other ad-
 ‘ vantage above the rest, than that of superior abi-
 ‘ lities, or more extensive knowledge. The peti-
 ‘ tion was not order'd by the house to be placed in
 ‘ the right honourable gentleman's hand, but on
 ‘ the table; nor has he a right to make use of any
 ‘ other means for his information, than are in the
 ‘ power of any other member; if he is in doubt
 ‘ upon any particulars contained in it, he may
 ‘ move, that the clerk should read it to the
 ‘ house.’ Sir

Sir *Robert Walpole* laid down the paper, and *Henry Pelham*, Esq; rose and said,

‘ Sir, I am so far from thinking the rules of the house asserted, that, in my opinion, the right of the members is infring’d by this peremptory demand. Is it not in the highest degree requisite, that he who is about to reason upon the petition, should acquaint himself with the subject on which he is to speak? What inconveniencies can ensue from such liberties as this, I am not able to discover, and as all the orders of the house are, doubtless, made for more easy and expeditious dispatch; if an order be contrary to this end, it ought to be abrogated for the reasons for which others are observ’d. The confidence with which this petition was presented, will not suffer us to imagine, that the person who offer’d it, fears that it can suffer by a close examination, and I suppose, tho’ he has spoken so warmly in favour of it without perusing, he does not expect that others should with equal confidence admit——’

Mr. Pelham's
speech

Sir *John Barnard* observing that Sir *Robert Walpole* leaned forward towards the table, to read the petition as it lay, rose, and said,

‘ Sir, I rise once more to demand the observation of the orders of the house, and to hinder the right honourable gentleman from doing by stratagem, what he did more openly and honestly before. It was to little purpose that he laid down the petition, if he placed it within reach of his inspection; for I was only desirous, Sir, to hinder him from reading, and was far from suspecting that he would take it away. I insist, that henceforward he obey the rules of this assembly, with his eyes as well as with his hands, and take no advantage of his seat, which may enable him to perplex the question in debate.’

Sir John
Barnard's
speech

Mr. Speaker's speech.

Then Mr. Speaker spoke thus:

' Sir, It is undoubtedly required by the orders of the house, that the petitions should lie upon the table, and that any member, who is desirous of any farther satisfaction, should move, that they be read by the clerk, that every member may have the same opportunity of understanding and considering them, and that no one may be excluded from information by the curiosity or delays of another. But the importance of this affair seems not to be so very great, as to require a rigorous observance of the rules; and it were to be wish'd, for the ease and expedition of our deliberations, that gentlemen would rather yield points of indifference to one another, than insist so warmly on circumstances of a trivial nature.'

Sir Robert Walpole then desired that the clerk might read the petition, which being immediately done, he proceeded in the following manner :

Sir Robert Walpole's speech.

' Sir, Having sat above forty years in this assembly, and never been called to order before, I was somewhat disconcerted by a censure so new and unexpected, and, in my opinion, undeserved. So that I am somewhat at a loss, with regard to the train of arguments which I had formed, and which I will now endeavour to recover. Yet I cannot but remark, that those gentlemen who are so solicitous for order in others, ought themselves invariably to observe it; and, that if I have once given an unhappy precedent of violating the rules of this house, I have, in some measure, atoned for my inadvertence, by a patient attention to reproof, and a ready submission to authority. I hope, Sir, I may claim some indulgence from the motive of my offence, which was only a desire of accuracy, and an apprehension that I might, by mistaking or forgetting some passages in the petition,

‘ tion, lose my own time, and interrupt the pro-
‘ ceedings of the house to no purpose. But ha-
‘ ving now, according to order, heard the peti-
‘ tion, and found no reason to alter my opinion,
‘ I shall endeavour to convince the house, that it
‘ ought not to be granted.

‘ The petition, Sir, is so far from bearing any
‘ particular relation to the clause now before us,
‘ that it does not in any part mention the expe-
‘ dient proposed in it, but contains a general de-
‘ claration of discontent, suspicion, apprehensions
‘ of dangerous proceedings, and dislike of our pro-
‘ ceedings: Insinuations, Sir, by no means consis-
‘ tent with the reverence due to this assembly, and
‘ which the nature of civil government requires
‘ always to be paid to the legislative power. To
‘ suspect any man, Sir, in common life, is in some
‘ degree to detract from his reputation, which must
‘ suffer in proportion to the supposed wisdom and
‘ integrity of him who declares his suspicion. To
‘ suspect the conduct of this Parliament, is to in-
‘ validate their decisions, and subject them to con-
‘ tempt and opposition. Such, and such only,
‘ appears to be the tendency of the petition which
‘ has now been read; a petition, Sir, very un-
‘ skilfully drawn, if it was intended against the
‘ clause under our consideration, for it has not
‘ a single period or expression that does not
‘ equally regard all the other clauses. If any par-
‘ ticular objection is made, or any single grievance
‘ more distinctly pointed at, it is the practice of
‘ impresses, a hardship I own peculiar to the
‘ sailors; but it must be observed, that it is a
‘ practice establish’d by immemorial custom, and a
‘ train of precedents not to be number’d; and it
‘ is well known that the whole common law of
‘ this nation, is nothing more than custom, of
‘ which the beginning cannot be traced. Impres-
‘ ses, Sir, have in all ages been issued out by

' virtue of the royal prerogative, and have in
 ' all ages been obey'd, and if this exertion of the
 ' authority had been consider'd as a method of
 ' severity not compensated by the benefits which
 ' it produces, we cannot imagine but former Par-
 ' liaments, amidst all their ardour for liberty, all
 ' their tenderness for the people, and all their ab-
 ' horrence of the power of the crown, would
 ' have obviated it by some law, at those times
 ' when nothing could have been refused them.
 ' The proper times for new schemes, and long de-
 ' liberations, for amending our constitution, and
 ' removing inveterate grievances, are the days of
 ' prosperity and safety, when no immediate dan-
 ' ger presses upon us, nor any publick calamity
 ' appears to threaten us; but when war is decla-
 ' red, when we are engaged in open hostilities
 ' against one nation, and expect to be speedily at-
 ' tacked by another, we are not to try experi-
 ' ments, but apply to dangerous evils those re-
 ' medies, which tho' disagreeable, we know to be
 ' efficacious. And tho', Sir, the petitioners had
 ' been more particular, I cannot discover the rea-
 ' sonableness of hearing them by their council;
 ' for what purpose are the lawyers to be intro-
 ' duc'd? Not to instruct us by their learning, for
 ' their employment is to understand the laws that
 ' have been already made, and support the prac-
 ' tices which they find establish'd. But the ques-
 ' tion before us relates not to the past but the fu-
 ' ture, nor are we now to examine what has been
 ' done in former ages, but what it will become
 ' us to establish on the present occasion, a subject
 ' of enquiry on which this house can expect very
 ' little information from the professors of the law!
 ' Perhaps the petitioners expect from their
 ' council, that they should display the fecundity
 ' of their imagination, and the elegance of their
 ' language, that they should amuse us with the
 ' illusions

' illusions of oratory, dazzle us with bright ideas,
 ' affect us with strong representations, and lull
 ' us with harmonious periods; but if it be only
 ' intended that just facts and valid arguments
 ' should be laid before us, they will be received
 ' without the decorations of the bar. For this
 ' end, Sir, it would have been sufficient, had the
 ' merchants inform'd their representatives of the
 ' methods which they have to propose, for the
 ' abilities of the gentlemen whom the city has de-
 ' puted to this assembly, are well known to be
 ' such as stand in need of no assistance from oc-
 ' casional orators. Nor can it be expected, that
 ' any men would be found more capable of un-
 ' derstanding the arguments of the merchants, or
 ' better qualified to lay them before the Parlia-
 ' ment. That every petitioner has (except on
 ' money-bills) a right to be heard, is undoubtedly
 ' true; but it is no less evident, that this right is
 ' limited to a certain time, and that on this occa-
 ' sion the proper time is elapsed. Justice is due
 ' both to individuals and to the nation; if peti-
 ' tions may at any time be offer'd, and are when-
 ' ever offer'd to be heard, a small body of men
 ' might by unseasonable and importunate peti-
 ' tions, retard any occasional law, till it should be-
 ' come unnecessary. Petitions, Sir, are to be offer'd
 ' when a new bill is brought into the house, that
 ' all useful information may be obtained; but when
 ' it has passed thro' the examination of the com-
 ' mittees, has been approved by the collective
 ' wisdom of Parliament, and requires only a for-
 ' mal ratification to give it the force of a law, it
 ' is neither usual nor decent to offer petitions, or
 ' declare any dislike of what the Parliament has
 ' admitted. We are not, when we have proceed-
 ' ed thus far, to suffer pleaders to examine our
 ' conduct, or vary our determinations, according
 ' to the opinions of those whom we ought to be-

' lieve less acquainted with the question than our-
 ' selves. Should we once be reduced to ask advice,
 ' and submit to dictators, what would be the re-
 ' putation of this assembly in foreign courts, or in
 ' our own country? What could be expected but
 ' that our enemies of every kind would endea-
 ' vour to regulate our determinations by bribing
 ' our instructors. Nor can I think it necessary that
 ' lawyers should be employed in laying before us
 ' any scheme which the merchants may propose,
 ' for supplying the defects, and redressing the in-
 ' conveniencies of the laws, by which sailors are
 ' at present levied for the royal navy; for how
 ' should lawyers be more qualified than other men,
 ' to explain the particular advantages of such ex-
 ' pedients, or to answer any objections which
 ' may happen to rise? It is well known that it
 ' is not easy for the most happy speaker to impress
 ' his notions with the strength with which he con-
 ' ceives them, and yet harder is the task of trans-
 ' mitting imparted knowledge, of conveying to
 ' others those sentiments which we have not
 ' struck out by our own reflection, nor collected
 ' from our own experience, but receiv'd merely
 ' from the dictates of another. Yet such must be
 ' the information that lawyers can give us, who
 ' can only relate what they have implicitly re-
 ' ceiv'd, and weaken the arguments which they
 ' have heard, by an imperfect recital. Nor do I
 ' only oppose the admission of lawyers to our bar,
 ' but think the right of the merchants themselves
 ' in the present case very questionable; for tho' in
 ' general it must be allowed, that every petitioner
 ' has a claim to our attention, yet it is to be in-
 ' quir'd whether it is likely that the publick hap-
 ' piness is his chief concern, and whether his pri-
 ' vate interest is not too much affected to suffer
 ' him to give impartial evidence, or honest infor-
 ' mation. Scarcely any law can be made by
 ' which

' which some man is not either impoverish'd, or
 ' hinder'd from growing rich; and we are not to
 ' listen to complaints, of which the foundation is
 ' so easily discover'd, or imagine a law less useful,
 ' because those who suffer some immediate incon-
 ' venience from it, do not approve it. The ques-
 ' tion before us is required by the present exi-
 ' gence of our affairs to be speedily decided, and
 ' tho' the merchants have with great tenderness,
 ' compassion, and modesty, condescended to offer
 ' us their advice, I think expedition preferable to
 ' any information that can reasonably be expected
 ' from them, and that as they will suffer in the
 ' first place by any misconduct of our naval af-
 ' fairs, we shall shew more regard to their interest
 ' by manning our fleet immediately, than by wait-
 ' ing three or four days for farther instructions.'

Samuel Sandys, Esq; answer'd to this effect.

' Sir, The merchants of *London*, whether we Mr. Sandys's
speech.
 ' consider their numbers, their property, their
 ' integrity, or their wisdom, are a body of too
 ' much importance to be thus contemptuously
 ' rejected; rejected when they ask nothing that
 ' can be justly denied to the meanest subject of
 ' the nation, when they propose to speak on no-
 ' thing but what their profession enables them
 ' to understand. To no purpose is it urg'd, that
 ' the bill is far advanc'd, for if we have not
 ' proceeded in the right way, we ought to be in
 ' more haste to return, in proportion as we have
 ' gone farther; nor can I discover why we should
 ' expedite with so much assiduity measures which
 ' are judg'd ineffectual, by those who know their
 ' consequences best, and for whose advantage they
 ' are particularly design'd. That we have already
 ' spent so much time in considering methods for
 ' manning the fleet, is surely one reason why we
 ' should endeavour at last to establish such as may
 ' be

‘ be effectual, nor can we hope to succeed without
 ‘ a patient attention to their opinion, who must
 ‘ necessarily be well experienc’d in naval affairs.
 ‘ It is surely therefore neither prudent nor just to
 ‘ shut out intelligence from our assemblies, and
 ‘ ridicule the good intention of those that offer it,
 ‘ to consult upon the best expedients for encour-
 ‘ aging and encreasing sailors, and when the mer-
 ‘ chants offer their scheme to treat them as saucy,
 ‘ impertinent, idle medlers, that assume ———

Here Mr. Attorney General call’d him to order,
 and spoke after this manner.

Mr. Attor-
 ney Gene-
 ral’s speech.

‘ Sir, It is not very consistent to press the dis-
 ‘ patch of business, and to retard it at the same
 ‘ time by invidious insinuations, or unjust repre-
 ‘ sentations of arguments or expressions; when-
 ‘ ever any expression is censured, it ought to be
 ‘ repeated in the same words; for otherwise, does
 ‘ not the animadverter raise the phantom that he
 ‘ encounters? Does he not make the stain, which
 ‘ he endeavours with so much officious zeal to
 ‘ wipe away? That no epithets of contempt or
 ‘ ridicule have in this debate been applied to the
 ‘ merchants, nor any violation of decency attempt-
 ‘ ed, it is unnecessary to prove, and therefore it is
 ‘ neither regular nor candid to represent any man
 ‘ as aggravating the refusal of their petition with
 ‘ reproaches and insults. But not to dwell longer
 ‘ on this incident, I will take the liberty of re-
 ‘ minding the gentleman, that personal invectives
 ‘ are always at least superfluous, and that the bu-
 ‘ siness of the day requires rather arguments than
 ‘ satire.’

Samuel Sandys, Esq; then spoke as follows.

Mr. Sandys’s
 reply.

‘ Sir, I am by no means convinced that the
 ‘ learned gentleman who charges me with irregu-
 ‘ larity, is better acquainted than myself with the

‘ rules

‘rules and customs of this house, which I have
 ‘studied with great application, assisted by long
 ‘experience. I hope, therefore, it will be no in-
 ‘excusable presumption, if, instead of a tacit sub-
 ‘mission to his censure, I assert in my own vindi-
 ‘cation, that I have not deviated from the esta-
 ‘blished rules of Parliament, that I have spoken
 ‘only in defence of merit insulted, and that I
 ‘have condemned only injurious insinuations. I
 ‘did not, Sir, attempt to repeat such expressions,
 ‘as ought not to be heard without reply.’

Then Mr. Speaker said.

‘I believe the gentleman either heard imper-
 ‘fectly, or misunderstood these expressions, which
 ‘he so warmly condemns, for nothing has been
 ‘uttered that could justly excite his indignation.
 ‘My office obliges me on this occasion to remark,
 ‘that the regard due to the dignity of the house
 ‘ought to restrain every member from digressions
 ‘into private satire; for in proportion, as we pro-
 ‘ceed with less decency, our determinations will
 ‘have less influence.’

Mr. Speak-
 er's speech.

Henry Pelham, Esq; spoke next in substance as follows.

‘Sir, The reputation which the honourable
 ‘gentleman has acquired by his uncommon know-
 ‘ledge of the usages of Parliament, is too well
 ‘founded to be shaken, nor was any attack upon
 ‘his character intended, when he was interrupted
 ‘in the prosecution of his design. To censure
 ‘any indecent expression by whomsoever uttered,
 ‘is doubtless consistent with the strictest regulari-
 ‘ty; nor is it less proper to obviate any misrepre-
 ‘sentation which inattention or mistake may pro-
 ‘duce. I am far, Sir, from thinking that the
 ‘gentleman's indignation was excited rather by
 ‘malice than mistake; but mistakes of this kind
 ‘may

Mr. Pelham's
 speech.

‘ may produce consequences which cannot be too
‘ cautiously avoided. How unwillingly would
‘ that gentleman propagate through the nation an
‘ opinion that the merchants were insulted in this
‘ house, their interest neglected, and their intelli-
‘ gence despised, at a time when no aspersion was
‘ thrown upon them, nor any thing intended but
‘ tenderness and regard? And yet such had been
‘ the representation of this days debate, which
‘ this numerous audience would have conveyed to
‘ the populace, had not the mistake been immedi-
‘ ately rectified, and the rumour crushed in the
‘ birth.

‘ Nothing, Sir, can be more injurious to the
‘ character of this assembly, by which the people
‘ are represented, than to accuse them of treating
‘ any class of men with insolence and contempt,
‘ and too much diligence cannot be used in obvi-
‘ ating a report, which cannot be spread in the na-
‘ tion, without giving rise to discontent, clamours,
‘ and sedition. Those who shall be inclined to
‘ reject the petition, may perhaps act with no less
‘ regard to the merchants, and may promote their
‘ interest and their security with no less ardour
‘ than those who most solicitously labour for its
‘ reception. For, if they are not allowed to be
‘ heard, it is only because the publick interest re-
‘ quires expedition, and because every delay of
‘ our preparations is an injury to trade. That
‘ this is not a proper time for petitions against the
‘ bill to be heard, is universally known, and I can
‘ discover nothing in the petition that restrains it
‘ to this particular clause, which is so far from
‘ being specified, that it appears to be the only
‘ part of the bill of which they have had no in-
‘ telligence. Let the warmest advocates for the
‘ petition, point out any part of it that relates to
‘ this single clause, and I will retract my assertion;
‘ but as it appears that there are only general de-
‘ clarations

‘ clarations of the inexpediency of the measures
‘ proposed, and the pernicious tendency of the
‘ methods now in use, what is the petition, but a
‘ complaint against the bill, and a request that it
‘ should be laid aside? The practice of impresses,
‘ Sir, is particularly censur’d, as severe and op-
‘ pressive; a charge, which however true, has no
‘ relation to this clause, which is intended to pro-
‘ mote the voluntary engagement of sailors in the
‘ service of the crown; yet it may not be impro-
‘ per to observe, that as the practice of impressing,
‘ is, in itself, very efficacious, and well adapted
‘ to sudden emergencies, as it has been establish’d
‘ by a long succession of ages, and is therefore be-
‘ come almost a part of our constitution; and as
‘ it is at this time necessary to supply the navy
‘ with the utmost expedition, it is neither decent
‘ nor prudent to complain too loudly against, or
‘ to heighten the discontent of the people at a
‘ necessary evil.

‘ We have, Sir, examin’d every part of this
‘ bill with the attention which the defence of the
‘ nation requires, we have soften’d the rigour of
‘ the methods first proposed, and admitted no vi-
‘ olence or hardship that is not absolutely necessa-
‘ ry to make the law effectual, which like every
‘ other law must be executed by force, if it be
‘ obstructed or opposed. We have inserted a great
‘ number of amendments, proposed by those who
‘ are represented as the most anxious guardians of
‘ the privileges of the people, and it is not surely
‘ to no purpose that the great council of the nation
‘ has so long and so studiously labour’d. Those
‘ who are chosen by the people to represent them,
‘ have undoubtedly, Sir, some claim as individuals
‘ to their confidence and respect; for to imagine
‘ that they have committed the great charge of
‘ parliamentary employment, that they have trusted
‘ their liberties and their happiness to those whose
‘ inte-

' integrity they suspect, or whose understandings
 ' they despise, is to imagine them much more
 ' stupid than they have been represented by those
 ' who are censur'd as their enemies. But far dif-
 ' ferent is the regard due to the determinations
 ' formed by the collective wisdom of Parliament;
 ' a regard which ought to border upon reverence,
 ' and which is scarcely consistent with the least
 ' murmur of dissatisfaction. If we are to hear
 ' the present petitioners, is it not probable that
 ' before we have dispatch'd them, we shall be
 ' solicited by others, who will then plead the
 ' same right, supported by a new precedent? And
 ' is it not possible that by one interruption upon
 ' another, our measures may be delayed, till they
 ' shall be ineffectual? It seems to me to be of
 ' much more importance to defend the merchants
 ' than to hear them, and I shall therefore think
 ' no concessions at this time expedient, which may
 ' obstruct the great end of our endeavours, the
 ' equipment of the fleet.'

William Pulteney, Esq; then spoke as follows.

Mr. Pulteney's speech

' Sir, Notwithstanding the art and eloquence
 ' with which the grant of the merchants petition
 ' has been opposed, I am not yet able to disco-
 ' ver that any thing is asked unreasonable, un-
 ' precedented, or inconvenient, and I am confi-
 ' dent, that no real objection can have been
 ' overlook'd by the gentlemen who have spoken
 ' against it. I have spent, Sir, thirty-five years
 ' of my life in Parliament, and know that infor-
 ' mation has always upon important questions
 ' been willingly received, and it cannot surely be
 ' doubted that the petitioners are best able to in-
 ' form us of naval business, and to judge what
 ' will be the right method of reconciling the
 ' sailors to the publick service, or of supplying
 ' our fleets without injuring our trade. Their
 ' abilities

abilities and importance have been hitherto so generally acknowledged, that no Parliament has yet refused to attend to their opinion, and surely we ought not to be ambitious of being the first assembly of the representatives of the people, that has refused an audience to the merchants. With regard to the expedience of delaying the bill at the present conjuncture, he must think very contemptuously of the petitioners, who imagines that they have nothing to offer that will counterbalance a delay of two days, and must entertain an elevated idea of the vigilance and activity of our enemies, enemies never before eminent for expedition, if he believes that they can gain great advantages in so short a time. The chief reason of the opposition appears, indeed, not to be either the irregularity or inexpediency of hearing them, but the offence which some have received from an irreverent mention of the power of impressing, a power which never can be mentioned without complaint or detestation. It is not, indeed, impossible that they may intend to represent to the house, how much the sailors are oppressed, how much our commerce is impeded, and how much the power of the nation is exhausted by this cruel method. They may propose to shew that sailors not having the choice of their voyages, are often hurried through a sudden change of climates from one extreme to another, and that nothing can be expected from such vicissitudes, but sickness, lameness, and death. They may propose, that to have just arrived from the south may be pleaded as an exemption from an immediate voyage to the north, and that the seaman may have some time to prepare himself for so great an alteration, by a residence of a few months in a temperate climate. If this should be their intention,

on,

on, it cannot, in my opinion, Sir, be call'd either unreasonable, or disrespectful, nor will their allegations be easily disproved. But it is insinuated, that their grievances are probably such as affect them only as distinct from the rest of the community, and that they have nothing to complain of but a temporary interruption of their private advantage.

I have, indeed, no idea of the private advantage of a legal trader. For unless, Sir, we neglect our duty of providing that no commerce shall be carried on to the detriment of the publick, the merchants profit must be the profit of the nation, and their interests inseparably combined. It may, however, be possible, that the merchants may, like other men, prefer their immediate to their greater advantage; and may be impatient of a painful remedy, tho' necessary to prevent a more grievous evil. But let us not censure them by suspicion, and punish them for a crime which it is only possible they may commit; let us, Sir, at least have all the certainty that can be obtained, and allow them an audience; let us neither be so positive as not to receive information, nor so rigorous as not to listen to entreaties. If the merchants have nothing to offer, nothing but complaints, and can propose no better measures than those which they lament; if their arguments should be found to regard only their present interest, and to be formed upon narrow views and private purpose, it will be easy to detect the imposture; and reject it with the indignation it shall deserve; nor will our proceedings be then censured by the nation, which requires not that the merchants should be implicitly believed, though it expects that they should be heard. Let us at least have a convention, though we should not be able to conclude a treaty. I know not, Sir,

why

' why we have not taken care to obviate all these
 ' difficulties, and to remove the necessity of peti-
 ' tions, debates, searches, and impresses, by the
 ' plain and easy method of a voluntary register;
 ' by retaining such a number of seamen as may
 ' probably be requisite upon sudden emergencies.
 ' Would not the nation with more chearfulness
 ' contribute half-pay to those who are daily la-
 ' bouring for the publick good, than to the cater-
 ' pillars of the land service, that grow old in lazy-
 ' ness, and are disabled only by vice? Let ten
 ' thousand men receive daily a small salary, upon
 ' condition that they shall be ready, whenever
 ' called upon, to engage in the service of the
 ' crown, and the difficulty of our naval prepara-
 ' tions will be at an end. That it is necessary to
 ' exert ourselves on this occasion, and to strike out
 ' some measures for securing the dominion of the
 ' ocean, cannot be denied by any one who consi-
 ' ders that we have now no other pretensions to
 ' maintain; that all our influence on the continent;
 ' at whatever expence gained and supported, is
 ' now in a manner lost, and only the reputation of
 ' our naval strength remains to preserve us from
 ' being trampled and insulted by every power,
 ' and from finding *Spaniards* in every climate.'

Sir *William Yonge* spoke in substance as follows.

' Sir, The violence and severity of impresses, Sir *William*
Yonge's
speech.
 ' so often and so pathetically complained of, ap-
 ' pears to be now nothing more than a punishment
 ' inflicted upon those who neglect or refuse to re-
 ' ceive the encouragement offered with the utmost
 ' liberality by the government, and decline the
 ' service of their country from a spirit of avarice,
 ' obstinacy, or resentment. That such men de-
 ' serve some severities, cannot be doubted, and
 ' therefore a law by which no penalty should be
 ' enacted, would be imperfect and ineffectual.

' The observation, Sir, of all laws is to be en-
 ' forced by rewards on one side, and punishments
 ' on the other, that every passion may be influ-
 ' enced, and even our weakness made instrumental
 ' to the performance of our duty. In the bill be-
 ' fore us no punishment is indeed expressly decreed,
 ' because the sailors who shall disregard it, are
 ' only left to their former hardships, from which
 ' those who engage voluntarily in the service of
 ' the navy are exempted. Why so many rewards
 ' and so much violence should be necessary to al-
 ' lure or force the sailors into the publick service,
 ' I am unable to comprehend. For excepting the
 ' sudden change of climates, which may doubtless
 ' sometimes bring on distempers, his Majesty's
 ' service has no disadvantages which are not
 ' common to that of the merchants. The wages
 ' in the navy are indeed less, but then it is to
 ' be remembered, that they are certainly paid,
 ' and that the sailor is in less danger of losing by
 ' a tempest, or a wreck, the whole profits of his
 ' voyage, because, if he can preserve his life, he
 ' receives his pay. But in trading voyages, the
 ' seamen mortgage their wages, as a security for
 ' their care, which, if the ship is lost, they are
 ' condemned to forfeit. Thus, Sir, the hardships
 ' of the navy appear not so great when compared
 ' with those of the merchants service, as they
 ' have been hitherto represented; and I doubt not,
 ' that if counsellors were to be heard on both
 ' sides, the measures taken for supplying the fleet
 ' would be found to be reasonable and just.'

Sir *John Barnard* rose to speak, when *Henry Fox*, Esq; called to order, and proceeded.

Mr. Fox's
 speech.

' Sir, It is well known to be one of the stand-
 ' ing and unvariable orders of this house, that no
 ' member shall speak twice in a debate on the same
 ' question, except when for greater freedom we
 ' resolve

‘ resolve ourselves into a committee. Upon this
 ‘ question the honourable gentleman has already
 ‘ spoken, and cannot therefore be heard again
 ‘ without such a transgression of our orders as
 ‘ must inevitably produce confusion.’

Then Sir *John Barnard* spoke thus.

‘ Sir, I know not for what reason the hono-
 ‘ ble gentleman apprehends any violation of the
 ‘ order of the house; for as I have not yet spoken
 ‘ upon the present question, I have an undoubted
 ‘ right to be heard, a right which that gentleman
 ‘ cannot take away.’

*Sir John
 Barnard's
 answer.*

Sir *William Yonge* next spoke to this effect.

‘ Sir, I know not by what secret distinction the
 ‘ gentleman supports in his own mind this decla-
 ‘ ration, which, to the whole house must appear
 ‘ very difficult to be defended; for we must, be-
 ‘ fore we can admit it, allow our memories to have
 ‘ forsaken us, and our eyes and ears to have been
 ‘ deceived. Did he not, as soon as the clause be-
 ‘ fore us was read, rise and assert the characters of
 ‘ the petitioners, and their right to the attention
 ‘ of the house? Did he not dwell upon their im-
 ‘ portance, their abilities, and their integrity; and
 ‘ enforce with his usual eloquence, every motive
 ‘ to the reception of the petition? How then can
 ‘ he assert that he has not spoken in the present
 ‘ debate, and how can he expect to be heard a
 ‘ second time, since however his eloquence may
 ‘ please, and his arguments convince, that pleasure
 ‘ and conviction cannot now be obtained, without
 ‘ infringing the standing orders of the house?’

*Sir William
 Yonge's
 reply.*

Then the Speaker rose, and spoke to this purport.

‘ It is not without uneasiness that I see the time
 ‘ of the house and of the publick, wasted in fruit-
 ‘ less cavils and unnecessary controversies. Every

*Mr. Speak-
 er's speech.*

‘ gentleman ought now to consider that we are
 ‘ consulting upon no trivial question, and that ex-
 ‘ pedition is not less necessary than accuracy. It
 ‘ cannot be denied, Sir, [to Sir *John Barnard*]
 ‘ that you have already spoken on this question,
 ‘ and that the rules of the house do not allow you
 ‘ to speak a second time.’

Then Sir *Robert Walpole* said.

Sir *Robert*
Walpole's
 speech.

‘ Sir, I am far from thinking the order of the
 ‘ house so sacred, as that it may not be neglected
 ‘ on some important occasions, and if the gentle-
 ‘ man has any thing to urge so momentous, that,
 ‘ in his own opinion, it outweighs the regard due
 ‘ to our rules, I shall willingly consent that he shall
 ‘ be heard.’

Then Sir *John Barnard* spoke as follows.

Sir *John*
Barnard's
 speech.

‘ Sir, I am far from being inclined to receive
 ‘ as a favour, what, in my own opinion, I may
 ‘ claim as a right, and desire not to owe the liber-
 ‘ ty of speaking to the condescension of the right
 ‘ honourable gentleman. What I have to urge is
 ‘ no less against the bill in general than the parti-
 ‘ cular clause now immediately under our confi-
 ‘ deration, and though the petition should relate
 ‘ likewise to the whole bill, I cannot discover
 ‘ why we should refuse to hear it. Petitions from
 ‘ men of much inferior rank, and whose interest
 ‘ is much less closely connected with that of the
 ‘ publick, have been thought necessary to be
 ‘ heard, nor is the meanest individual to be injured
 ‘ or restrained without being admitted to offer his
 ‘ arguments in his own favour. Even the jour-
 ‘ neymen-shoemakers, one of the lowest classes of
 ‘ the community, have been permitted to bring
 ‘ their counsel to our bar, and remonstrate against
 ‘ the inconveniencies to which they were afraid of
 ‘ being subjected.’

Then

Then *Thomas Winnington*, Esq; spoke thus.

‘ Sir, I am always willing to hear petitions, Mr. Winnington's speech.
 ‘ when respectfully drawn up, and regularly sub-
 ‘ scribed, but can by no means discover that this
 ‘ is a real petition, for I have heard of no names
 ‘ affixed to it; it is therefore a request from nobo-
 ‘ dy, and by rejecting it no man is refused. It
 ‘ may, so far as can be discover'd, be drawn up
 ‘ by the gentleman who offer'd it, and perhaps
 ‘ no other person may be acquainted with it.’

Then *William Hay*, Esq; spoke to the follow-
 ing purport.

‘ Sir, It is, in my opinion, necessary that a pe- Mr. Hay's speech.
 ‘ tition in the name of the merchants of *London*
 ‘ should be subscribed by the whole number; for
 ‘ if only a few should put their names to it, how
 ‘ does it appear that it is any thing more than an
 ‘ apprehension of danger to their own particular
 ‘ interest, which perhaps the other part, their ri-
 ‘ vals in trade, may consider as an advantage, or
 ‘ at least regard with indifference? This suspicion
 ‘ is much more reasonable, when a petition is sub-
 ‘ scribed by a smaller number, who may easily be
 ‘ imagined to have partial views, and designs not
 ‘ wholly consistent with the interest of the pub-
 ‘ lick.’

Sir Charles Wager then spoke thus.

‘ Sir, If I am rightly inform'd, another petition Sir Charles Wager's speech.
 ‘ is preparing by several eminent merchants, that
 ‘ this clause may stand part of the bill; and cer-
 ‘ tainly they ought to be heard as well as the pre-
 ‘ sent petitioners, which will occasion great and
 ‘ unnecessary delays, and therefore I am against
 ‘ the motion.’

Alexander Hume Campbell, Esq; answer'd to this effect.

Mr. Campbell's speech.

‘ Sir, I agree with that honourable gentleman, that if the merchants are divided in opinion upon this point, one side ought to be heard as well as the other, and hope the house will come to a resolution for that purpose. For I shall invariably promote every proposal which tends to procure the fullest information in all affairs that shall come before us.’

Then the question was put, That the further consideration of the report be adjourn'd for two days (in order to hear the merchants) and it pass'd in the negative, Ayes 142, Noes 192.

Upon which the house went through the subsequent and last amendment made by the committee to the said bill, (being that for limiting the wages of seamen in the merchant service) and with some amendments agreed thereunto; and a clause (being the last in the above copy of the bill) was added, and an amendment made by the house to the bill, after which it was ordered to be ingrossed.

Debate, and clauses offered upon the third reading.

Upon the 23d, the bill was read a third time, when *Edward Digby, Esq;* stood up and spoke as follows, viz.

Mr. Digby's speech.

‘ Mr. Speaker,
‘ Sir, I have a clause to be offer'd to the house as necessary to be inserted in the bill before us, which was put into my hands by a member, whom a sudden misfortune has made unable to attend his duty, and which, in his opinion and mine, is of great importance, and I shall therefore take the liberty of reading it.

“ Be it enacted, that every seaman offering himself to serve his Majesty, shall, upon being refused, receive from such captain, lieutenant, or justice

“ justice of the peace, a certificate, setting forth
 “ the reasons for which he is refused, which cer-
 “ tificate may be produced by him, as an exemp-
 “ tion from being seized by a warrant of impress.”

‘ I hope the reasonableness and equity of this
 ‘ clause is so incontestably apparent, that it will
 ‘ find no opposition; for what can be more cruel,
 ‘ unjust, or oppressive, than to punish men for
 ‘ neglect of a law which they have endeavour’d to
 ‘ obey? To what purpose are rewards offered, if
 ‘ they are denied to those who come to claim
 ‘ them? What is it less than theft, and fraud, to
 ‘ force a man into the service who would willing-
 ‘ ly have enter’d, and subject him to hardships
 ‘ without the recompence which he may justly
 ‘ demand from the solemn promise of the legisla-
 ‘ ture?’

Sir Charles Wager next spoke to this effect.

‘ Sir, To this clause, which the gentleman has Sir Charles Wager's speech.
 ‘ represented as so reasonable and just, objections
 ‘ may, in my opinion, be easily made, of which
 ‘ he will himself acknowledge the force. The
 ‘ great obstruction of publick measures is partiali-
 ‘ ty, whether from friendship, bribery, or any o-
 ‘ ther motive; against partiality alone the clause
 ‘ which is now offered, is levelled, and indeed it
 ‘ is so dangerous an evil, that it cannot be obvia-
 ‘ ted with too much caution. But this clause, in-
 ‘ stead of preventing private correspondence, and
 ‘ illegal combinations, has an evident tendency to
 ‘ produce them, by inciting men to apply with
 ‘ pretended offers of service to those who are be-
 ‘ fore suborned to refuse them, then make a merit
 ‘ of their readiness, and demand a certificate. By
 ‘ such artifices multitudes may exempt themselves
 ‘ from the impress who may be known to be able
 ‘ sailors, even by those that conduct it, and may,
 ‘ under the protection of a certificate fallaciously
 ‘ obtained,

‘obtained, laugh at all endeavours to engage them
‘in the publick service.’

Then *Edward Digby, Esq;* spoke thus.

*Mr. Digby's
reply.*

‘Sir, If this authority lodged in the hands of
‘those who are proposed in the clause to be en-
‘trusted with it, be in danger of being executed
‘without due regard to the end for which it is
‘granted, let it be placed where there is neither
‘temptation nor opportunity to abuse it. Let the
‘Admiralty alone have the power of granting such
‘certificates, the officers of which will be able to
‘judge whether the sailor is really unfit for the
‘service, and deliver those, whom age or accidents
‘have disabled, from the terror of impresses; for
‘surely, he that is fit to serve when taken by vio-
‘lence, is no less qualified when he enters volun-
‘tarily, and he who could not be admitted when
‘he tendered himself, ought not to be dragged
‘away, when perhaps he has contracted for ano-
‘ther voyage.’

Sir Charles Wager replied.

*Sir Charles
Wager's
answer.*

‘Sir, It is, doubtless, more proper to place such
‘authority in the officers of the Admiralty, than
‘in any other; but it does not appear that the
‘benefit which the sailors may receive from it, to
‘whatever hands it is entrusted, will not be over-
‘balanced by the injury which the publick will
‘probably suffer. Sailors are frequently levied in
‘remote parts of the kingdom; in ports where
‘the Admiralty cannot speedily be informed of
‘the reasons for which those that may petition for
‘certificates have been refused, and therefore can-
‘not grant them without danger of being decei-
‘ved by fraudulent accounts. The grievance for
‘which the remedy is proposed cannot frequently
‘occur; for it is not probable that in a time of
‘naval preparations any man qualified for the ser-
‘vice

‘vice should be rejected, since the officers gain
‘nothing by their refusal.’

Then *William Hay*, Esq; spoke as follows.

‘Sir, It is very possible that those instances Mr. Hay's
speech.
‘which may be produced of men, who have been
‘impressed by one officer, after they have been
‘rejected by another, may be only the conse-
‘quences of the high value which every man is
‘ready to set upon his own abilities. For he that
‘offers himself, no doubt, demands the high-
‘est premium, tho’ he be not an able sailor;
‘and if rejected, and afterwards impressed as a
‘novice, thinks himself at liberty to complain
‘with the most importunate vehemence, of fraud,
‘partiality, and oppression.’

The question being put, was resolv’d in the ne-
gative almost unanimously.

Then *Edward Southwell*, Esq; offer’d a clause,
importing, That all failors who should take ad-
vance-money of the merchants, should be oblig’d
to perform their agreements, or be liable to be
taken up by any magistrate or justice of the peace,
and deemed deserters, except they were in his
Majesty’s ships of war.

He was seconded by the Lord *Gage*.

‘Sir, As this clause has no other tendency than Lord Gage's
speech.
‘to promote the interest of the merchants, with-
‘out obstructing the publick preparations; as it
‘tends only to confirm legal contracts, and facili-
‘tate that commerce from whence the wealth
‘and power of this nation arises, I hope it will
‘readily be admitted, as we may, by adding this
‘sanction to the contracts made between the mer-
‘chants and failors, in some degree balance the
‘obstructions, wherewith we have embarras’d
‘trade by the other clauses.’

Then

Then Sir *Charles Wager* replied.

Sir *Charles Wager's*
reply.

' This clause is unquestionably reasonable, but
' not necessary, for it is to be found already in an
' act made for the encouragement of the mer-
' chants, which is still in force, and ought when-
' ever any such frauds are committed, to be rigo-
' rously observ'd.'

Sir *Robert Walpole* then desir'd that the clerk might read the act, in which the clause was accordingly found, and *Edward Southwell*, Esq; withdrew his motion.

Then the question was put, Whether the bill for the encrease and encouragement of sailors, &c. do pass, which was resolv'd in the affirmative, 153 against 79.

Protest a-
gainst keep-
ing up such
a number of
troops.

March 9, There happen'd a debate in the house of Lords, which occasioned the following protest.

Monday, March 9, 1740-1. This day the bill intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters, being read a third time, the question was put, whether this bill shall pass; it was resolv'd in the affirmative.

Dissentient

Because it does not appear to us, that the forces which are now kept up within this realm, are to be employ'd to annoy our enemies abroad; and we are satisfied, the affections of the people to his Majesty, and the protestant succession are such, that there can be no occasion for them to keep this nation in awe.

Abingdon,
Litchfield,

Warrington,
Aylesford,

Carlisle.

That

That our readers may the better understand the following debate, we shall first give them a copy of the bill which was the occasion of it.

Copy of a
Bill to pre-
vent incon-
veniencies
arising from
insurances
of ships.

A bill to prevent some inconveniencies arising from insurances of ships.

Whereas it has been found by experience, that the making assurances, interest or no interest, hath been productive of many pernicious practices, whereby great numbers of ships, with their cargoes, have been fraudulently lost and destroy'd; and a great encouragement to the exportation of wool, and the carrying on many other prohibited and clandestine trades, which are thereby secreted, and the parties concerned secured from loss, as well to the diminution of the publick revenue, as to the great detriment and loss of the fair trader; and by introducing an illegal and mischievous kind of gaming or wagering, under the pretence of assuring the risk on shipping and fair trade, the institution and laudable design of making assurances hath been perverted; and that which was intended for the encouragement of trade and navigation, becomes hurtful of, and destructive to the same.

For remedy whereof, and for the effectually putting a stop to, and for preventing the like unwarrantable practices for the future: Be it enacted, &c. That all policies, instruments, contracts, or promises of assurance, made from and after

interest or no interest, and policies valued at the sum assured, or without further proof of interest, than the policy, or in any other words or manner, to that or the same effect; or upon ships, or other vessels or goods, loaden or to be loaden thereon, not made *bonâ fide* upon interest, shall be, and are hereby declared (*void*) any law, statute or custom to the contrary in any wise notwithstanding.

Provided always, that nothing in this act contained, shall extend, or be construed to extend, to

vacate

vacate or avoid any assurances made without fraud, upon interest of the whole, or any part of the sum for which the assured shall appear to be concerned in the vessel, or goods so assured.

Provided always, that nothing in this act contained, shall vacate or make void any assurance made upon account of money lent upon *Respondentia*, or bottomry bonds, in which the benefit of salvage is allow'd the lender; nor any assurance made *bonâ fide*, to re-assure any sum before assured, on any ships or vessels, or their cargoes; provided the same be mentioned in the policy to be re-assurance, or on money so lent on *Respondentia*, or bottomry bonds.

And whereas by several acts of Parliament the subjects of this kingdom in general are restrained from trading to the *East-Indies*, and the sole right of trading thereto is by law vested in the united company of merchants of *England* trading to the *East-Indies*; notwithstanding which, assurances are often made in *Great-Britain* upon ships and effects belonging to the subjects of foreign nations or powers trading to the *East-Indies*: Be it farther enacted, by the authority aforesaid, that all assurances made after the day of
upon any ships or effects belonging to any foreign kingdom, nation or power, or to the subjects thereof, trading to and from the *East-Indies*, or from one part thereof to another, shall be deemed and taken to be (*void*) to all intents, constructions, and purposes whatsoever.

And whereas assurances on the ships or effects of persons, alien enemies to this kingdom, are greatly prejudicial to the true interest thereof, and upon the capture of such ships or effects, the real loss sustained often falls upon the subjects of *Great-Britain*, who have made such assurances: Be it further enacted, by the authority aforesaid, that no assurance to be made directly or indirectly on any the ships or effects of the sub-

jects of any Prince or State, not in amity with the crown of *Great-Britain*, at the time such assurance is made, shall be of any force or validity in law; but shall be (*void*) to all intents, constructions, and purposes whatsoever.

Provided always, that if his Majesty shall at any time, during the present war, think fit, in pursuance of a proviso contained in an act made in the last session of Parliament, entitled, *An Act for prohibiting Commerce with Spain*, to take off the prohibitions and restrictions of commerce, or any part thereof; then, and in such case, it shall and may be lawful to make assurance on such commerce, or any part thereof; any thing herein contained to the contrary notwithstanding.

This bill being read a second time on *Friday* the 3d of *April*, Sir *John Barnard* stood up and spoke thus :

Debate upon
its being
read a 2d
time.

‘ Mr. Speaker,

‘ Sir, There cannot be brought before this
‘ house any questions more difficult in themselves,
‘ more entangled with a multiplicity of relations,
‘ or more perplex’d with an endless diversity
‘ of circumstances than those which relate to
‘ commercial affairs; affairs on which the most
‘ experienc’d often disagree, and on which the
‘ most sagacious may deceive themselves with erroneous conjectures. There are no questions,
‘ Sir, which require so much personal knowledge
‘ of the subject to which they relate, nor is there
‘ any subject with which so few gentlemen in this
‘ house have had opportunities of being acquainted.
‘ There are no questions, Sir, which their variety
‘ of relations to different persons, exposes to be so
‘ easily misrepresented without detection, nor any
‘ in which the opposition of particular interests,
‘ so much incites a false representation. In all
‘ these cases, deceit is easy, and there is a strong
‘ tempta-

Sir *John*
Barnard's
speech.

temptation to deceive. Nor are these questions,
 Sir, always perplexed by intentional fraud, or
 false assertions, of which they that utter them,
 are themselves conscious. Those who deceive us,
 do not always suppress any truth of which they
 are convinced, or set facts before us in any other
 light, than that in which themselves behold
 them; they for the most part err with an honest
 intention, and propagate no mistakes but those
 which they have themselves admitted. Of this
 kind, Sir, are doubtless the measures proposed
 in the bill before us, which those by whom
 they are promoted, may easily think to be of
 benefit to the publick, but which, I believe, will
 appear the result of imperfect views, and partial
 consideration. The great and fundamental error,
 Sir, of the patrons of this bill, seems to be an opi-
 nion that the practice of insuring, is not known to
 other nations, nor can be carried on in any other
 place, and from this principle they deduce con-
 sequences, which, if they were inevitably cer-
 tain, might easily influence us to an immediate
 approbation of the bill, as necessary to secure our
 commerce, and distress our enemies. They con-
 clude, Sir, with sufficient justness, that very few
 merchants would hazard their fortunes in long
 voyages, or distant commerce, or expose them-
 selves to the dangers of war, without security
 which insurances afford them, and having persua-
 ded themselves that such security is to be obtained
 from no other nation, they imagine that we
 might by prohibiting it, confine all the foreign
 vessels in their ports, and destroy by one reso-
 lution the trade of both our rivals and our ene-
 mies. That our *East-India* company may de-
 sire the passing of this bill, I cannot deny,
 because they might perhaps receive from it some
 temporary advantage by the short inconveni-
 ences which those whom they consider as the

enemies

‘ enemies of their commerce would feel from it.
‘ They may desire it, because the experiment, if it
‘ fails, as it must, cannot injure them; and if it
‘ succeeds, may produce great advantages to
‘ them; they may wish it, because they will feel
‘ the immediate benefit, and the detriment will fall
‘ upon others.

‘ I shall not enquire whether our merchants
‘ are inclined to look with malevolence on all
‘ those who cultivate the same branches of com-
‘ merce with themselves, tho’ they have neither
‘ the violation of natural rights, nor the infringe-
‘ ment of national treaties to complain of. I
‘ should be unwilling to suspect a *British* mer-
‘ chant, whose acquaintance with the constitution
‘ of his own country, ought to shew him the va-
‘ lue of liberty, who ought to be above narrow
‘ schemes, by the knowledge which his profession
‘ enables him to gain, of a desire to encroach
‘ upon the rights of others, or to engross the ge-
‘ neral benefits of nature, and shall only observe,
‘ that several other nations can plead a claim to the
‘ *East-India* trade, a claim of equal validity with
‘ our own; that the *Danes* have their settlement
‘ there, and the *Portuguese* discover’d the way
‘ to those regions of wealth, from which some per-
‘ haps are inclined to exclude them. But nothing
‘ is more vain than to attempt to exclude them by
‘ refusing to insure their ships, because the opi-
‘ nion that they can be insured by no other na-
‘ tion, is intirely without foundation. There are
‘ at this time, offices of insurance along the whole
‘ coast of the *Mediterranean* sea, among the *Dutch*,
‘ and even among the *French*. Nothing can de-
‘ bar any nation from the trade of insurance
‘ but the want of money, and that money is
‘ not wanted by foreigners, for this purpose, ap-
‘ pears from the great sums which they have de-
‘ posited in our funds. That this trade is now
‘ carried

‘ carried on chiefly by this nation, tho’ not solely,
‘ is incontestable; but what can be inferred from
‘ that, but that we ought not to obstruct our own
‘ gain; that we ought not to make a law to de-
‘ prive ourselves of that advantage, of which ei-
‘ ther favourable accidents or our own sagacity
‘ have put us in possession? For this reason it
‘ appears, that it would not contribute to the
‘ wealth of the publick to debar us from insuring
‘ the ships, even of those with whom we are at
‘ war, for it is always to be remembred, that
‘ they will receive no detriment from such prohi-
‘ bitions, nor will feel any other consequences
‘ from them, than a necessity of transferring to
‘ some other nation the profit which we receive
‘ from it. What the profit is which arises to the
‘ nation from the trade of insurance, it is not pos-
‘ sible exactly to determine, but that the trade is
‘ really advantageous, may be reasonably con-
‘ ceiv’d, because after many years experience it is
‘ diligently follow’d, and a law was never neces-
‘ sary to prohibit the pursuit of a business by
‘ which nothing was to be gained. But could the
‘ gain of the insurer be a doubtful point, there is
‘ a certain advantage to the nation by the money
‘ paid for commission, brokerage, stamps, and
‘ the credit of the premium deposited here. I
‘ might add, Sir, another considerable sum yearly
‘ arising to the government from the additional
‘ letters, occasioned by this trade, which encrease
‘ the revenues of the post-office, without any de-
‘ duction for additional charge. That the loss of
‘ this profit, and the gain of insuring, will ensue
‘ upon the passing of this bill, cannot be de-
‘ nied; nor does it appear, that this loss will be
‘ counterbalanced by any advantage that will be
‘ gained over our rivals or our enemies. Whe-
‘ ther this bill, Sir, would produce to the mer-
‘ chants of that city by which it is promoted,
‘ the

‘ the advantages which they expect from it, or
‘ remove any of the grievances of which they
‘ complain, I am not able positively to deter-
‘ mine ; but know, that it is not uncommon for
‘ merchants, as well as other men, to confound
‘ private with publick grievances, and to imagine
‘ their own interest the interest of the nation.

‘ With regard, Sir, to the practice of insu-
‘ ring, interest or no interest, as the term is,
‘ when an imaginary value is put upon the ship
‘ or cargo, often much above its real worth, it
‘ cannot be denied, that some opportunities may
‘ be given by it for wicked practices. But there
‘ will always be circumstances in which there can
‘ be no security against frauds, but common
‘ faith ; nor do I see how we can secure the insu-
‘ rers against the possibility of being defrauded.
‘ I cannot indeed discover, Sir, how this me-
‘ thod of insuring can be prevented ; for how
‘ can the value of a cargo be estimated, which is
‘ to be collected in a long voyage, at different
‘ ports, and where the success of the adventu-
‘ rers often depends upon lucky accidents, which
‘ are indeed always hoped for, but seldom hap-
‘ pen. An imaginary value must therefore be
‘ fixed upon, when the ship leaves the port ;
‘ because the success of that voyage cannot be
‘ foreknown, and the contracting parties may be
‘ safely trusted to set that value, without any
‘ law to direct or restrain them. If the mer-
‘ chants are oppressed by any peculiar inconveni-
‘ ences, and can find means of redressing them
‘ without injuring the publick commerce, any
‘ proposal for that purpose ought to be favoura-
‘ bly received ; but as the bill now before us
‘ proposes general restraints, and proposes to re-
‘ move grievances, which are not felt, by reme-
‘ dies, which those, upon whom they are to
‘ operate, do not approve. I think it ought not

‘ to be referr’d to a committee, but rejected.’

Edward Southwell, Esq; spoke next in terms to this purpose.

Mr. South-
well's speech.

‘ Sir, When I first propos'd this bill to the
‘ house, I lamented the absence of that honoura-
‘ ble gentleman, from whose discussions and ar-
‘ guments I expected great information ; and for
‘ whose judgment, in all commercial questions,
‘ I have the highest esteem, as his penetration
‘ not only enables him to discover the conse-
‘ quences of methods which have not yet been
‘ tried, but as his extensive acquaintance with
‘ many branches of trade cannot but have in-
‘ formed him of the success of many expedients
‘ tried, as well in other nations as our own, for
‘ the advancement of it. Trade, Sir, is a sub-
‘ ject, of which it has been justly observed, that
‘ very few gentlemen have attained knowledge
‘ sufficient to qualify themselves to judge of the
‘ propriety of any new regulation ; and I cannot
‘ but confess, that I have no uncommon skill in
‘ these questions. What I have to offer on this
‘ occasion, has been suggested to me, not so
‘ much by my own observations, as by the intel-
‘ ligence which I have very industriously sought,
‘ and by which, as I endeavour'd to inquire of
‘ those whose opinion was least likely to be per-
‘ verted by their interest, I hope I have not been
‘ misled.

‘ The merchants, Sir, to whom it has been
‘ my fortune to apply, have generally concurr'd
‘ in the opinion, that the present practice of in-
‘ suring is prejudicial to our commerce ; nor
‘ have I found any disagreement between my
‘ constituents, and the traders of this great me-
‘ tropolis. I am unwilling to imagine, that
‘ there can be any evil for which the wisdom of
‘ this assembly cannot discover a remedy, and

‘ am

‘ am therefore of opinion, that if the grievance
 ‘ is real, some expedient may be discovered for
 ‘ removing it; and that it is real, I cannot but
 ‘ be convinced, by the declarations of so many
 ‘ men, who can have no interest in complaining,
 ‘ when they suffer nothing, and whose known
 ‘ abilities exempt them from the suspicion of
 ‘ imputing any part of their uneasiness to a cause
 ‘ which cannot produce it. The bill before us,
 ‘ Sir, requires, in my opinion, some amend-
 ‘ ments, and in its present state, might, per-
 ‘ haps, produce more detriment than advantage;
 ‘ but since it is necessary, at least to attempt
 ‘ something for the relief of men so useful to
 ‘ this nation, it appears to me necessary to form
 ‘ a committee, and to deliberate on this subject
 ‘ with more attention.’

Richard Lockwood, Esq; spoke next, to the following effect.

‘ Sir, Though I am not of opinion that the
 ‘ bill, in its present state, ought to be passed
 ‘ into a law; yet I am far from thinking it so
 ‘ imperfect as not easily to be amended, and
 ‘ therefore am desirous, that it should be confi-
 ‘ der’d in a committee. I have not, indeed,
 ‘ Sir, often observed, that bills injudiciously
 ‘ drawn up at first, have received great improve-
 ‘ ments from a second consideration, and have
 ‘ found it more easy to form a new bill, than to
 ‘ make alterations in one that is laid before us,
 ‘ for some original error will commonly remain,
 ‘ and the sentiments of different men pursuing
 ‘ different views, can seldom be modelled into
 ‘ one consistent scheme. But I am far from con-
 ‘ sidering this bill, as one of those that cannot
 ‘ be amended, for I can discover but few objec-
 ‘ tions to the regulations proposed in it, and
 ‘ those not relating to any of the essential parts,

*Mr. Lock-
 wood's
 speech.*

' but slight and circumstantial, such as will easily
 ' be removed, or perhaps answered. The grie-
 ' vance, Sir, for which this bill proposes a re-
 ' medy, is so generally known, and so uni-
 ' versally lamented, that, I believe, there is not
 ' any thing more worthy of the attention of the
 ' legislature, than an inquiry into the cause of
 ' it, and the proper method of redressing it. In
 ' our inquiry into the causes of this obstruction
 ' of trade, I am of opinion, Sir, that the prac-
 ' tice of insuring, interest or no interest, will
 ' appear to be the foundation of this general un-
 ' easiness, it will be found a practice of so natu-
 ' ral a tendency to fraud, and so easily suscepti-
 ' ble of dishonest artifices, that, I believe, every
 ' member of this house will desire its suppres-
 ' sion. To confirm my assertion, Sir, and illus-
 ' trate the question before us, I shall mention
 ' some particular instances of fraud to which this
 ' custom has given occasion, of fraud so evident
 ' and so detestable, that it cannot be related
 ' without indignation.

' The *Royal George* was a large ship belonging
 ' to the *South-Sea* company, which having been
 ' a voyage to *Vera Cruz*, put in at *Jamaica* in
 ' her return; and being there refitted to proceed
 ' on her voyage homewards, set sail, and came
 ' within a week's sailing of the port, when upon
 ' a sudden, the officers entered into a consulta-
 ' tion, and determined to go back a month's
 ' voyage to *Antigua*, for what reason, Sir, may
 ' easily be guessed; when it was told that a ship
 ' was insured upon a supposed value of sixty
 ' thousand pounds. This resolution, Sir, was
 ' no sooner formed, than orders were given to
 ' change the course, and steer to *Antigua*, in op-
 ' position to all the remonstrances of the carpen-
 ' ter, who is the proper judge of the condition
 ' of a vessel, and who declared with honesty and
 ' resolu-

‘ resolution against their whole procedure. But
‘ they pursued their new scheme without any re-
‘ gard to his murmurs or assertions; and when
‘ they arrived at *Antigua*, found some method of
‘ influencing the officers of that island to declare
‘ the ship unfit for the prosecution of the voyage.
‘ Their design, Sir, was now happily compleated.
‘ To confirm the determination which had been
‘ pronounced in their favour, they stranded the
‘ ship upon a bank of sand, forced out the iron
‘ that grapples the timber together, and having
‘ first taken away the masts and rigging, and
‘ whatever else could be used or sold, threw the
‘ ballast to each end, and so broke the vessel in
‘ the middle. By this well-contriv’d shipwreck,
‘ having as they imagined raised their fortunes,
‘ they came home triumphantly from their pro-
‘ perous voyage, and claimed the money for
‘ which the ship was insured. The insurers
‘ startled at a demand so unexpected, inquired
‘ into the affair with all the industry which its
‘ importance might naturally incite, and after
‘ some consultation, determined to try whether
‘ the ship might not be refitted and brought to
‘ *England*. In pursuance of this resolution, they
‘ sent workmen and materials, and without much
‘ expence, or any difficulty, brought it hither.

‘ I believe, Sir, this relation is sufficient at
‘ once to prove the practice, and explain the
‘ nature of the frauds to which this method of
‘ insurance gives occasion; but as the frequency
‘ of them is such, that many instances may be
‘ produced, I shall offer another short narrative
‘ of the same kind. A ship that belonged to
‘ the *East-India* company, insured after this me-
‘ thod, was run ashore by the captain, in such a
‘ manner, that he imagined none but himself
‘ able to recover it; and therefore though it cost
‘ 5000*l.* sold it for 500*l.* but the purchaser no

‘ less expert than the captain, found means very
‘ speedily to disingage it, to restore it to a pro-
‘ per condition with little expence, and was
‘ much enriched by his fortunate bargain. I can-
‘ not but observe, Sir, that this kind of fraud is
‘ more formidable, as it may be practised with-
‘ out a possibility of detection. Had the captain
‘ instead of stranding, destroyed his vessel, how
‘ could his wickedness ever have been discovered,
‘ or how could the *South-Sea* company’s ship have
‘ been brought home, had it been sunk in some
‘ distant corner of the world? This practice,
‘ Sir, and the frauds which it has occasioned,
‘ and the suspicions which the easy practice of
‘ frauds always creates, have produced so many
‘ trials, and filled the courts of justice with such
‘ intricate contentions, that the judges, who
‘ know perhaps nothing of this practice, but
‘ from its effects, have often declared it to be so
‘ pregnant with contests and cheats, that it
‘ ought not to be suffered, and that a law for
‘ suppressing it, would much contribute to the
‘ establishment of peace, and the security of
‘ property. I am not insensible, Sir, of the force
‘ of the argument made use of by the honoura-
‘ ble gentleman who spoke in favour of this
‘ practice, and cannot but allow it that regard
‘ which his reasonings always deserve; it is the
‘ strongest, and perhaps the only argument, that
‘ can be produced. His assertion of the impossi-
‘ bility of estimating the real value of a ship,
‘ or of foreknowing the success of a voyage, is
‘ incontestable: But perhaps it will follow from
‘ thence, not that an imaginary value ought to
‘ be admitted; but that no insurance ought to be
‘ allowed, where there is no rational method of
‘ ascertaining it; or at least that all such insu-
‘ rance ought to be rather below the probable
‘ value, than above it. If the grievance com-
‘ plained

‘plained of has been proved not to be imaginary, we ought doubtless to consult how it may be remedied; nor do I believe that our consultations will be ineffectual, if we engage in them, not with an intention to perplex, but to inform each other. I am of opinion, Sir, that the importance of the question requires a committee; nor can I discover any essential defect in this bill, which should hinder it from passing into a law.’

Peter Burrell, Esq; spoke to this effect.

‘Sir, I am convinced by experience, as well Mr. Burrell's speech. as reason, that so many inconveniencies arise from this method of insurance, that it affords so many opportunities of fraud, and gives such encouragement to negligence, that I shall willingly concur in any measures that may effectually suppress it. It is, Sir, too well known to require proof, that interest is the parent of diligence, and that men attend to the performance of their duty in proportion as they must suffer by the neglect of it; and therefore every practice that deprives honesty of its reward, is injurious to the publick. But that this is the consequence of estimating ships at an imaginary value in the offices of insurance, is to the highest degree evident. When a ship is estimated above its real value, how will the commander suffer by a wreck, or what shall restrain him from destroying his vessel, when it may be done with security to himself, except that integrity which indeed ought to be generally diffus'd, but which is not always to be found, and to which few men think it safe to trust upon occasions of far less importance. To show, Sir, that I do not indulge groundless suspicions, or magnify the bare possibility of fraud into reality; that I do not blacken hu-

man

‘ man nature, or propose laws against wickedness
 ‘ that has not yet existed, it may be proper to
 ‘ mention some letters, in which I have been in-
 ‘ formed by my correspondent at *Leghorn*, of
 ‘ the state of the ships which have arrived there:
 ‘ Ships so weakly mann’d, and so penuriously,
 ‘ or negligently stor’d; so much decay’d in the
 ‘ bottoms, and so ill fitted with rigging, that he
 ‘ declares his astonishment at their arrival.

‘ It may deserve our consideration, Sir, whe-
 ‘ ther the success of the *Spanish* privateers may
 ‘ not be in great part attributed to this pernici-
 ‘ ous practice; whether captains, when their
 ‘ vessels are insur’d for more than their value,
 ‘ do not rashly venture into known danger?
 ‘ Whether they do not wilfully miss the security
 ‘ of convoys? Whether they do not direct their
 ‘ courses where privateers may most securely
 ‘ cruize? Whether they do not surrender with
 ‘ less resistance than interest would excite? And
 ‘ whether they do not raise clamours against the
 ‘ government for their ill success, to avoid the
 ‘ suspicion of negligence or fraud. That other
 ‘ frauds are committed in the practice of in-
 ‘ suring, is well known to the honourable gen-
 ‘ tleman: It is a common practice to take mo-
 ‘ ney upon Bottomree, by way of pledge, for
 ‘ the captain’s fidelity, and to destroy this secu-
 ‘ rity by insuring above the real value, so that
 ‘ the captain may gain by neglecting the care of
 ‘ his vessel, or at least secure himself from loss,
 ‘ and indulge his ease or his pleasure, without
 ‘ any interruption from the fear of diminishing
 ‘ his fortune. The whole practice of insurance,
 ‘ Sir, is in its present state, I believe, so per-
 ‘ plexed with frauds, and of such manifest ten-
 ‘ dency to the obstruction of commerce, that it
 ‘ absolutely requires some legal regulations.’

Sir

Sir *John Barnard* then spoke to this purpose.

‘ Sir, Of frauds in the practice of insurance, ^{Sir *John Barnard's* speech.}
 ‘ with regard to which the honourable gentle-
 ‘ man has appealed to me, I can confidently af-
 ‘ firm, that I am totally ignorant: I know not
 ‘ of any fraudulent practices openly carried on,
 ‘ or established by custom, which I suppose are
 ‘ meant: For with regard to single acts of fraud,
 ‘ committed by particular men, it is not to be
 ‘ supposed but that they have been detected in
 ‘ this, as in all other branches of traffick, nor
 ‘ can I conceive that any argument can be drawn
 ‘ from them against the practice; for if every
 ‘ part of commerce is to be prohibited, which
 ‘ has furnished villains with opportunities of
 ‘ deceit, we shall contract trade into a narrow
 ‘ compass. With regard, Sir, to the instance of
 ‘ the *Royal George*, though the proceedings of
 ‘ the officers are not wholly to be vindicated, yet
 ‘ part of their conduct is less inexplicable than
 ‘ it has been represented. Their return to *Anti-*
 ‘ *gua*, when they were bound for *England*, and
 ‘ were within a week’s sailing of their port, is
 ‘ easily to be defended, if the wind was contrary
 ‘ to their intended course; for it is not difficult
 ‘ to conceive, that they might reach a distant
 ‘ port with a favourable wind, much sooner than
 ‘ one much nearer, with the wind against them.
 ‘ I have always observed, Sir, that the gentle-
 ‘ men engaged in the trade to the *East-Indies*,
 ‘ assume an air of superiority, to which I know
 ‘ not what claim they can produce, and seem to
 ‘ imagine, that their charter gives them more
 ‘ extensive knowledge, and more acute sagacity,
 ‘ than falls to the lot of men not combin’d in
 ‘ their association. But however these gentle-
 ‘ men may disapprove my arguments, and how-
 ‘ ever they may misrepresent them, I shall be
 ‘ satisfied,

‘ satisfied, that they will have with the disinterested and impartial, their just weight, and that this affair will not be hastily determined upon an imperfect examination.’

Sir Robert Walpole replied to this effect.

*Sir Robert
Walpole's
speech.*

‘ Sir, Whether the merchants are satisfied with the present methods of insuring, or what is the opinion of any separate body of men, I think it absolutely unnecessary to inquire. We are constituted for the publick advantage, and are engaged by our parliamentary character to consider, not the private interest of particular men, but the general advantage of our country. In our pursuit, Sir, of national interest, we shall be obliged frequently to oppose the schemes which private men, or separate fraternities have formed for their own advantage, and which they may be expected to defend with all their art, both because every man is unwilling to imagine that the publick interest and his own are opposite, and because it is to be feared, that many may consider the publick only in subordination to themselves, and be very little solicitous about the general prosperity of their country, provided none of the calamities which afflict it, extend their influence to themselves. We are in the discussion of this question, Sir, to consider that we are engaged in a war against a nation from which insults, depredations, oppressions, and cruelties, have been long complain'd of, and against which we are therefore to act with a resolution proportioned to the injuries which we have suffered, and to our desire of vengeance. We are to practise every method of distressing them, and to promote the success of our arms even at the expence of present gain, and the interest of private men:

‘ It

‘ It is well known, Sir, to all who have either
 ‘ heard or read of the *Spaniards*, that they live
 ‘ in carelessness and indolence, neglect all the na-
 ‘ tural advantages of their own country, despise
 ‘ the gain of foreign commerce, and depend
 ‘ wholly on their *American* settlements, for all
 ‘ the conveniencies, and perhaps for most of the
 ‘ necessaries of life. This is the particular cir-
 ‘ cumstance that makes a war with *England* so
 ‘ much to be dreaded by them. A nation supe-
 ‘ rior to them by sea holds them besieged, like
 ‘ a garison surrounded by an army, precludes
 ‘ them from supplies, intercepts their succours,
 ‘ and if it cannot force their walls by attack,
 ‘ can at least by a blockade starve them to a ca-
 ‘ pitulation.

‘ Thus, Sir, by a naval war with an enemy of
 ‘ superior strength, they must at length be sub-
 ‘ dued, and subdued perhaps without a battle,
 ‘ and without the possibility of resistance; a-
 ‘ gainst such an enemy, their courage, or their
 ‘ discipline is of no use; they may form armies
 ‘ indeed, but which can only stand upon the
 ‘ shore, to defend what their enemies have no
 ‘ intention of invading, and see those ships
 ‘ seized in which their pay is treasured, or their
 ‘ provisions are stored. Such, Sir, is our natural
 ‘ superiority over the *Spaniards*, a species of su-
 ‘ periority that must inevitably prevail, if it be
 ‘ not defeated by our own folly, and surely a
 ‘ more effectual method of defeating it, the
 ‘ *Spaniards* themselves could not have discover’d,
 ‘ than that of insuring their ships among our
 ‘ merchants. When a ship thus insured is taken,
 ‘ which notwithstanding all precautions must
 ‘ sometimes happen, we examine the cargo,
 ‘ find it extremely valuable, and triumph in our
 ‘ success; we not only count the gain to our-
 ‘ selves, but the loss to our enemies, and deter-

‘ mine

mine that a small number of such captures will reduce them to offer us peace upon our own terms. Such are the conclusions which are made, and made with reason, by men unacquainted with the secret practices of our merchants, and who do not suspect us to be stupid enough to secure our enemies against ourselves; but it is often found, upon a more close examination, that our ships of war have only plundered our merchants, and that our privateers may indeed have enriched themselves, but impoverished their country. It is discovered, that the loss of the *Spaniards* is to be repaid, and perhaps sometimes with interest, by our insurers. If it be urged, that we ought not to enact any laws which may obstruct the gain of our fellow subjects, may it not be asked, why all trade with *Spain* is prohibited, may not the trade be equally gainful with the insurance, and may not the gain be more generally distributed, and therefore be more properly national? But this trade was prohibited, because it was more necessary to our enemies, than to ourselves; it was prohibited, because the laws of war require, that a less evil should be suffered to inflict a greater; it is upon this principle that every battle is fought, and that we fire our own ships to consume the navies of the enemy. For this reason, Sir, it appears to me evident beyond contradiction, that the insurance of *Spanish* ships ought to be prohibited, we shall indeed lose the profit of the insurance, but we shall be reimburs'd by the captures, which is an argument that cannot be produc'd for the prohibition of commerce. It is urg'd, Sir, that they may insure their ships in other countries, an assertion of which, whether it be true or not, I am not able to decide; but it is acknowledg'd, that

‘ that the necessity of establishing new correspon-
‘ dence will be at least a temporary obstruction
‘ of their trade, and an obstruction of even a
‘ short continuance may lay them at our mercy.
‘ But let us, Sir, reflect upon the weakness of
‘ this argument, “ they must be allow’d to in-
“ sure here, because they may insure in other
“ places : ” Will it not be equally just to urge,
‘ that they must trade with us, because they may
‘ trade with other nations? And may it not
‘ be answered, that tho’ we cannot wholly suf-
‘ pend their commerce, it is yet our business to
‘ obstruct it as far as we are able? May it not,
‘ Sir, be farther affirm’d, that by insuring in
‘ other nations, they may injure their allies by
‘ falling into our hands, but do not the less be-
‘ nefit us? That if they do not grow weaker,
‘ we at least are strengthen’d; but that by insu-
‘ ring among us, whatever steps are taken, the
‘ equilibrium of the war is preserv’d always the
‘ same? It is asserted, and I suppose with truth,
‘ that we insure at a lower rate than others; and
‘ it will therefore follow, that the *Spaniards*,
‘ whenever their ships shall escape us, will suffer
‘ more by having insur’d amongst foreigners,
‘ than if they had contracted with our mer-
‘ chants. Thus it appears, Sir, that there are
‘ stronger reasons for prohibiting the insurance of
‘ *Spanish* ships, than for putting a stop to our
‘ commerce with them; and that whether their
‘ ships are taken by us, or escape us, it is the ge-
‘ neral interest of the nation, that they shall be
‘ insured by foreign merchants.

‘ With respect, Sir, to the *East-India* compa-
‘ ny, I have no regard to their interest, consi-
‘ der’d as distinct from that of the rest of the
‘ nation; nor have receiv’d any solicitations
‘ from them to promote this bill, or to espouse
‘ their interest, but cannot, without concealing
‘ my

‘ my real sentiments, deny that as they have
 ‘ the grant of an exclusive trade to the *East-Indies*, to insure the ships that are sent thither,
 ‘ without their permission, is to invade their
 ‘ rights, and to infringe their charter, and that
 ‘ the practice, if the validity of their charter be
 ‘ admitted, is illegal, and ought to be discour-
 ‘ tenanc’d. The practice, Sir, of insuring, in-
 ‘ terest or no interest, or of assigning to ships an
 ‘ imaginary value, is nothing more than a parti-
 ‘ cular game, a mere solemn species of *bazard*,
 ‘ and ought therefore to be prohibited, for every
 ‘ reason that can be urg’d against games of
 ‘ chance. With regard to this bill in general,
 ‘ it is in my opinion highly necessary, nor can I
 ‘ discover any important objection that can be
 ‘ made against it. Some law of this kind, and
 ‘ to this purpose, I have long intended to offer
 ‘ to the consideration of this assembly, and since
 ‘ it is now before us, I think we ought to confi-
 ‘ der it with the attention which may be justly
 ‘ expected from us.’

The Lord *Baltimore* spoke thus.

Lord *Balti-
more's* speech

‘ Sir, I know not how properly the practice of
 ‘ insuring may be term’d a species of *bazard*,
 ‘ nor do I think any thing more is to be confi-
 ‘ dered, than whether the game be gainful to the
 ‘ nation, or not, for I cannot discover that there
 ‘ is any absurdity in enriching ourselves at the
 ‘ expence of other nations, whether enemies or
 ‘ allies. That we ought to prefer the general
 ‘ good to the advantage of individuals, is un-
 ‘ doubted; but I cannot conceive, that in this
 ‘ case there can be any opposition between pri-
 ‘ vate and publick interest. If our insurers gain
 ‘ by securing the ships of our enemies, the na-
 ‘ tion is benefited, for all national gain must cir-
 ‘ culate through the hands of individuals. No
 ‘ man

‘man will assert, that we ought to assist our
 ‘enemies, nor will any man imagine, that we
 ‘assist them by impoverishing them, and if our
 ‘insurers gain by their practice, the *Spaniards*
 ‘must undoubtedly be losers.’

Robert Willmot, Esq; spoke next, to the following purpose :

‘Sir, I have convers’d on the question to Mr. Will-
 ‘which this bill relates, with men engaged in mot’s speech.
 ‘various kinds of traffick, and who have no
 ‘common interest but that of their country. I
 ‘have dispers’d among the merchants, most
 ‘eminent for their acquaintance with the whole
 ‘extent of commerce, and for their knowledge
 ‘of the true interest of the nation, copies of
 ‘this bill, and cannot find any of them so sensi-
 ‘ble of the grievance of which we have so loud
 ‘complaints, as to desire it should be redressed
 ‘by the measures now proposed. That frauds
 ‘are practis’d on every side, in this, as well as
 ‘in other trades, the general corruption of our
 ‘age, gives us sufficient reason to suspect; but
 ‘what is common to every sort of traffick, can-
 ‘not be produced as an argument for the prohi-
 ‘bition of any. That the practice of insuring
 ‘an imaginary value, may give opportunity for
 ‘greater frauds than can be practis’d in common
 ‘dealings, is likewise evident; but I cannot dis-
 ‘cover such frauds to require the interposition of
 ‘the legislature. If they are practis’d only by
 ‘those of our own nation, the publick does not
 ‘suffer; for property is only transferred from
 ‘one subject to another, the fraud ought indeed
 ‘to be severely punish’d in the courts of crimi-
 ‘nal justice, but the custom which gave the op-
 ‘portunity of practising it, ought not to be re-
 ‘strain’d, any more than any other profession
 ‘not criminal in itself, but liable to accidental
 ‘abuses.

‘ abuses. If our insurers are defrauded by fo-
 ‘ reigners, the nation is then, indeed, more near-
 ‘ ly affected, but even in that case, it is to be
 ‘ remember’d, that the private interest of the
 ‘ insurers, who must be immediately ruined, is
 ‘ a sufficient security for the publick. For it
 ‘ cannot, Sir, be conceived, that any man will
 ‘ obstinately carry on a business, by which he
 ‘ becomes every day poorer, or, that when he
 ‘ desists, he will be succeeded by another, who
 ‘ cannot but know that he engages in that traf-
 ‘ fick to his certain ruin.

‘ The true state of this affair is, that frauds
 ‘ are, indeed, often committed, and are for
 ‘ that reason always suspected, and that the in-
 ‘ surers, when they insure the ship and cargo
 ‘ against accidents, reckon, among other chan-
 ‘ ces, the probability of being cheated, and pro-
 ‘ portion their demands not only to the length
 ‘ and danger of the voyage, but to the character
 ‘ likewise of the man with whom they contract.
 ‘ This, Sir, is always the practice of those whom
 ‘ experience has made acquainted with the dan-
 ‘ ger of implicit confidence, and unsuspecting
 ‘ credulity, nor do any but the young and un-
 ‘ skilful suffer themselves to be so exposed to
 ‘ frauds, as that their fortunes should be injured,
 ‘ or the general gain of their business over-
 ‘ balanced, by a few deceits. Thus it appears,
 ‘ that notwithstanding the ease and safety with
 ‘ which the present methods of insurance admit
 ‘ fraud to be practised, the insurers, by a pro-
 ‘ portionate degree of caution, secure themselves
 ‘ from being injured, and by consequence the
 ‘ nation. The insurance of foreign ships is now
 ‘ to be considered, by which great profit arises
 ‘ to the nation. We insure, Sir, as it has been
 ‘ observed, at lower rates than other nations, be-
 ‘ cause we have more business of this kind, and
 ‘ the smallness of our profit is compensated by
 ‘ the

‘ the frequency ; the cheapness of insurances,
‘ and eagerness of foreigners to insure here, re-
‘ ciprocally contribute to each other ; we are of-
‘ ten applied to, because we insure at an easy
‘ rate ; and we can insure at an easy rate, because
‘ we are often applied to. Nor is the cheapness
‘ of insurance in *England* the only motive to the
‘ preference which it preserves among foreigners,
‘ who are induc’d to apply to this nation, by the
‘ reputation which our merchants have deserved-
‘ ly gained, for probity and punctuality, supe-
‘ rior to that of any other traders. Our mer-
‘ chants, Sir, bargain without artifice, pay with-
‘ out subterfuges, and are ready, on all occa-
‘ sions, to preserve their character at the hazard
‘ of their profit.

‘ From these two considerations we may draw
‘ unanswerable arguments against any restraints
‘ upon the practice of insuring ; if foreigners are
‘ once disappointed in their applications to us,
‘ our business will in a great part cease, and as
‘ we shall not then be able to insure at lower
‘ rates than other nations, we shall never recover
‘ that branch of our trade. And as the charac-
‘ ter of the *English* merchants exempts them
‘ from any suspicion of practices pernicious to
‘ the publick, why should they be restrained ?
‘ Why, Sir, should they appear to be suspected
‘ by the legislature of their own country, whom
‘ foreigners trust without hesitation ? It has
‘ been objected to them with great warmth, and
‘ urged with much rhetorical exaggeration, that
‘ they assist the enemies of their country, that
‘ they prolong the war, and defeat those advan-
‘ tages which our situation and commerce have
‘ given us. Imputations sufficiently atrocious, if
‘ they were founded upon truth.

‘ But let us, Sir, examine the arguments by
‘ which this accusation has been supported, and

' inquire whether this triumph of eloquence has
 ' been occasioned by any real superiority of evi-
 ' dence or reason. It is urged, that we have al-
 ' ready prohibited commerce with the *Spaniards*,
 ' and that therefore we ought likewise to prohibit
 ' the insurance of their ships. It will not require,
 ' Sir, an imagination very fertil, or a knowledge
 ' very extensive, to supply arguments sufficient to
 ' refute this supposed demonstration; in opposi-
 ' tion to which it may be urged, that this kind of
 ' commerce is of a peculiar nature, that it subsists
 ' upon opinion, and is preserved by the reputation
 ' of our insurers; a reputation that the insurers of
 ' other nations may obtain by the same means,
 ' and from whom we shall therefore never recover
 ' it. It may be observed, Sir, that other com-
 ' modities are the peculiar product of different coun-
 ' tries, and that there is no danger of losing our
 ' other trade by suspending it, because it depends
 ' upon the excellence of our manufactures; but
 ' that insurance may be the commodity of any
 ' country, where money and common honesty are
 ' to be found. This argument may perhaps be
 ' yet more effectually invalidated, or perhaps en-
 ' tirely subverted by denying the expedience of
 ' that prohibition which is produced as a precedent
 ' for another restraint. Nor indeed does it appear
 ' why we should preclude ourselves from a gainful
 ' trade, because the money is drawn by it out of
 ' the hands of our enemies; or why the product
 ' of our lands should lie unconsumed, or our ma-
 ' nufactures stand unemployed, rather than we
 ' should sell to our enemies what they will pur-
 ' chase at another place, or by the intervention of
 ' a neutral power. To sell to an enemy that
 ' which may enable him to injure us, that which
 ' he must necessarily obtain, and which he could
 ' buy from no other, would indeed be, to the last
 ' degree, absurd; but that may surely be sold
 ' them

‘ them without any breach of morality or policy,
‘ which they can want with less inconvenience
‘ than we can keep. If we were besieging a town,
‘ I should not advise our soldiers to sell to the in-
‘ habitants ammunition or provisions, but cannot
‘ discover the folly of admitting them to purchase
‘ ornaments for their houses, or brocades for their
‘ ladies. But, without examining with the utmost
‘ accuracy, whether the late prohibition was ra-
‘ tional or not, I have, I hope, suggested objec-
‘ tions sufficient to make the question doubtful,
‘ and to incline us to try the success of one ex-
‘ periment before we venture upon another more
‘ hazardous. I am never willing, Sir, to load
‘ trade with restraints; trade is in its own nature
‘ so fugitive and variable, that no constant course
‘ can be prescribed to it; and those regulations
‘ which were proper when they were made, may
‘ in a few months become difficulties, and ob-
‘ structions. We well know, that many of the
‘ measures which our ancestors pursued for the
‘ encouragement of commerce, have been found
‘ of pernicious consequence; and even in this age,
‘ which perhaps experience more than wisdom has
‘ enlightened, I have known few attempts of that
‘ kind which have not defeated the end for which
‘ they were made. It is more prudent to leave
‘ the merchants at liberty to pursue those measures
‘ which experience shall dictate upon every occa-
‘ sion, and suffer them to snatch the present op-
‘ portunity of honest gain whenever it shall hap-
‘ pen; they will never injure their own interest by
‘ the use of this liberty, and by preserving them-
‘ selves they will preserve the nation from detri-
‘ ment; nor will they need to be restrained by a
‘ law proposed without their solicitation, and of
‘ which they cannot discover any beneficial conse-
‘ quences.’

Horatio Walpole, Esq; spoke next to this purpose.

Mr. Wal-
pole's speech.

‘ Sir, For the bill now before us I have no particular fondness, nor desire that it should be promoted by any other means than rational arguments and the representation of indubitable facts. I have no regard, Sir, in this inquiry, to any private interest, or any other desire than that of securing the interest of my country, which, in my opinion, evidently requires that we should give no assistance to our enemies, that our merchants should cooperate with our navies, and that we should endeavour to withhold every thing that may make the war less burdensome to them, and consequently of longer continuance. It was observed, Sir, in the beginning of the debate, by a gentleman eminently skill’d in mercantile affairs, that insurance was practised by many nations; but he did not inform us of what one of the clauses makes it proper to inquire, whether they allowed the method of insuring interest or no interest, and rating ships at an imaginary value. This is, I know, prohibited by the *Dutch*, a nation whose authority on commercial questions will not be disputed, nor do they allow their *East-India* ships to be insured at all. The difficulty of estimating the value of any cargo has been urged in defence of this practice, nor is the defence wholly without weight, because the cargo in many voyages cannot be ascertained. I shall, however, take this opportunity of observing, though I may somewhat digress from the present argument, how necessary it is that some of our exported cargoes should be exactly specified.

‘ I have been lately informed, Sir, that six ships laden with *British* wool, have entered at one time into a port of *France*; nor do I know how this practice, which is justly complained of as pernicious,

' pernicious to our trade, and threatening the ruin
 ' of our country, can be prevented but by a con-
 ' stant and regular particularization of every cargo
 ' carried to *France*. I admit, Sir, that some car-
 ' goes which are imported cannot be particularly
 ' register'd; such is the gold with which we are
 ' daily supplied by our commerce with the *Portu-*
 ' *guese* in opposition to their laws, and which our
 ' merchants are therefore under the necessity of
 ' concealing. It is not indeed easy to foresee all
 ' the inconveniencies that may arise from new re-
 ' gulations of commerce, but the difficulty is not
 ' so great as has been represented, nor can I con-
 ' ceive why all our consultations on trade should
 ' be without effect. Gentlemen may obtain some
 ' knowledge of commerce from their own obser-
 ' vation, which they may enlarge by an uncon-
 ' fined and indifferent conversation with traders of
 ' various classes, and by inquiries into the different
 ' branches of commerce; inquiries, Sir, which are
 ' generally neglected by those whose employments
 ' confine their attention to particular parts of com-
 ' merce, or whose application to business hinders
 ' them from attending to any opinions but those
 ' which their own personal experience enables
 ' them to form. From these informations impar-
 ' tially collected, and diligently compared, a man
 ' not engaged in the profession of a merchant may
 ' form general principles, and draw consequences
 ' more certain, and more extensive in their rela-
 ' tions, than those which are struck out only from
 ' the observation of one subdivided species of
 ' commerce.

' A member of this house, Sir, thus enlighten-
 ' ed by inquiry, and whose judgment is not di-
 ' verted from its natural rectitude, by the impulse
 ' of any private consideration, may judge of any
 ' commercial debate with less danger of error or
 ' partiality than the merchants, of whom never-

' theless I have the highest esteem, and whose
 ' knowledge or probity I do not intend to depre-
 ' ciate, when I declare my fears that they may
 ' sometimes confound general maxims of trade
 ' with the opinions of particular branches, and
 ' sometimes mistake their own gain for the interest
 ' of the publick. The interest of the merchants
 ' ought indeed always to be considered in this
 ' house; but then it ought to be regarded only in
 ' subordination to that of the whole community,
 ' a subordination which the gentleman who spoke
 ' last seems to have forgotten. He may perhaps
 ' not intend long to retain his parliamentary cha-
 ' racter, and therefore delivered his opinion only
 ' as a merchant. He has distinguished between
 ' the conduct of experienced and unskilful insurers,
 ' with how much justice I shall not determine. I
 ' am afraid that a vigorous inquiry would disco-
 ' ver, that neither age nor youth has been able to
 ' resist strong temptations to some practices, which
 ' neither law nor justice can support, and that
 ' those, whose experience has made them cautious,
 ' have not been always equally honest. But this
 ' is a subject upon which I am not inclined to
 ' dwell, and only mention as the reason which
 ' convinces me of the propriety of the bill before
 ' us.'

Sir *William Yonge* spoke to this effect :

Sir *William*
Yonge's
 speech.

' Sir, There appears no probability that the dif-
 ' ferent opinions which have been formed of this
 ' bill will be reconciled by this debate; nor in-
 ' deed is there any reason for wondering at this
 ' contrariety of sentiments. The several clauses
 ' of the bill have relations and consequences so
 ' different, that scarce any one man can approve
 ' them all; and in our present deliberation,
 ' an objection to a particular clause is consider'd
 ' as an argument against the whole bill. It is
 ' there-

‘ therefore necessary to prevent an unprofitable expence of time, to resolve the house into a committee, in which the bill may be consider’d by single clauses, and that part which cannot be defended may be rejected, and that only retained which deserves our approbation. In the committee, when we have consider’d the first clause, and heard the objections against it, we may mend it; or, if it cannot be amended, reject or postpone it, and so proceed through the whole bill with much greater expedition, and at the same time with a more diligent view of every clause, than while we are obliged to take the whole at once into our consideration. I shall, for my part, approve some clauses, and make objections to others; but think it proper to reserve my objections, and the reasons of my approbation for the committee into which we ought to go on this occasion.’

This bill was committed, but it was afterwards dropt.

April 8, His Majesty after giving the Royal Assent to the bills then ready, made the following speech to both houses :

My Lords and Gentlemen,

At the opening of this session, I took notice to you of the death of the late Emperor, and of my resolution to adhere to the engagements I am under, in order to the maintaining of the balance of power, and the liberties of *Europe*, on that important occasion. The assurances I receiv’d from you in return to this communication, were perfectly agreeable to the zeal and vigour, which this Parliament has always exerted in the support of the honour and interest of my crown and kingdoms, and of the common cause.

King’s
speech relating to the
Queen of
Hungary.

The war, which has since broke out, and been carried on in part of the *Austrian* dominions, and the various and extensive claims, which are publicly made on the late Emperor's succession, are new events, that require the utmost care and attention; as they may involve all *Europe* in a bloody war, and in consequence expose the dominions of such Princes, as shall take part in support of the Pragmatick Sanction, to imminent and immediate danger. The Queen of *Hungary* has already made a requisition of the twelve thousand men expressly stipulated by treaty; and thereupon I have demanded of the King of *Denmark*, and of the King of *Sweden*, as Landgrave of *Hesse Cassel*, their respective bodies of troops, consisting of six thousand men each, to be in readiness to march forthwith to the assistance of her *Hungarian* Majesty. I am also concerting such farther measures, as may obviate and disappoint all dangerous designs and attempts, that may be forming or carried on in favour of any unjust pretensions, to the prejudice of the house of *Austria*. In this complicated and uncertain state of things many incidents may arise, during the time, when, by reason of the approaching conclusion of this Parliament, it may be impossible for me to have your advice and assistance; which may make it necessary for me to enter into still larger expences for maintaining the Pragmatick Sanction. In a conjuncture so critical, I have thought it proper to lay these important considerations before you, and to desire the concurrence of my Parliament, enabling me to contribute, in the most effectual manner, to the support of the Queen of *Hungary*, the preventing, by all reasonable means, the subversion of the house of *Austria*, and to the maintaining the liberties and balance of power in *Europe*.

Gentlemen of the House of Commons,

I must recommend it to you to grant me such a supply, as may be requisite for these ends; and the just concern and readiness, which I have constantly found in you, to make all necessary provisions for the publick good, and our common security, leave me no room to doubt of the same good disposition and affection in this instance.

My Lords and Gentlemen,

I am persuaded, I need say no more to recommend these considerations to you, which so necessarily arise from the present situation of affairs. I shall therefore only add, that whatever expences may be incurr'd on this occasion, shall be made in as frugal a manner as possible; and an account thereof shall be laid before the next Parliament.

The Commons being return'd to their house, and this speech read to them, *Thomas Clutterbuck*, Esq; stood up and spoke to this effect :

Debate in the house of Commons upon the address proposed.

Mr. Speaker,

Sir, The present confusion in *Europe*, the known designs of the *French*, the numerous claims to the *Austrian* dominions, the armies which are levied to support them, and the present inability of the Queen of *Hungary* to maintain those rights which descend to her from her ancestors, and have been confirmed by all the solemnity of treaties, evidently require an uncommon degree of attention in our consultations, and of vigour in our proceedings. Whatever may be the professions of the *French*, their real designs are easily discover'd; designs which they have carried on, either openly, or in private, for near a century, and which it cannot be expected that they will lay aside, when they are so near

Mr. Clutterbuck's speech.

to

‘ to success. Their views, Sir, in all their wars
‘ and treaties, alliances and intrigues, has been
‘ the attainment of universal dominion, the de-
‘ struction of the rights of nature, and the sub-
‘ jection of all the rest of mankind; nor have we
‘ any reason to imagine that they are not equally
‘ zealous for the promotion of this pernicious
‘ scheme, while they pour troops into *Germany*,
‘ for the assistance of their ally, as when they
‘ wasted kingdoms, laid cities in ashes, and plun-
‘ ged millions into misery and want, without any
‘ other motive than the glory of their King. But
‘ the *French* are not the only nation at this time
‘ labouring for the subversion of our common
‘ liberties. Our liberties, Sir, are endanger’d by
‘ those equally interest’d with ourselves in their
‘ preservation; for in what degree soever any
‘ of the Princes who are now endeavouring to
‘ divide among themselves the dominions of *Au-*
‘ *stria*, may be pleased with the acquisition of
‘ new territories, and an imaginary increase of in-
‘ fluence and power, it must be evident to all who
‘ are not dazzled by immediate interest, that they
‘ are only fighting for *France*, and that by the
‘ destruction of the *Austrian* family, they must
‘ in a short time fall themselves. It is well known,
‘ Sir, tho’ it is not always remembered, that po-
‘ litical, as well as natural greatness, is merely
‘ comparative, and that he only is a powerful
‘ Prince, who is more powerful than those
‘ with whom he can have any cause of conten-
‘ tion. That Prince, therefore, who imagines
‘ his power enlarged by a partition of territories,
‘ which gives him some additional provinces,
‘ may be at last disappointed in his expectations.
‘ For if this partition gives to another Prince
‘ greater than himself, an opportunity of in-
‘ creasing his strength, in a degree proportion-
‘ ate to his present superiority, the former will
‘ soon

‘ soon find, that he has been labouring for nothing, and that his danger is still the same.

‘ Such, Sir, is the case of the King of *Prussia*, who when he has over-run that part of *Germany*, to which he now lays claim, will only have weaken’d the house of *Austria*, without strengthening himself. He is at present secure in the possession of his dominion, because neither the *Austrians* would suffer the *French*, nor the *French* permit the *Austrians* to increase their power by subduing him. Thus while the present equipoise of power is maintained, jealousy and caution would always procure him an ally, whenever he should be attacked; but when by his assistance, the *Austrian* family shall be ruin’d, who shall defend him against the ambition of *France*? While the liberties of mankind are thus equally endanger’d by folly and ambition, attacked on one side, and neglected on the other, it is necessary for those who foresee the calamity that threatens them, to exert themselves in endeavours to avert it, and to retard the fatal blow, till those who are now lulled by the contemplation of private advantage, can be awaken’d into a just concern for the general happiness of *Europe*, and be convinced, that they themselves can only be secure by uniting in the cause of liberty and justice. For this reason, Sir, our Sovereign has asserted the Pragmatick Sanction, and promised to assist the Queen of *Hungary* with the forces which former treaties have entitl’d her to demand from him; for this reason he has endeavour’d to rouse the *Dutch* from their supineness, and excite them to arm once more for the common safety, to intimidate by new augmentations those powers, whose ardour, perhaps, only subsists upon the confidence that they shall not be resisted, and to animate by open declarations in favour of the house of *Austria*,

' *stria*, those who probably are only hindred from
 ' offering their assistance, by the fear of standing
 ' alone against the armies of *France*. That by
 ' this conduct he may expose his dominions on the
 ' continent, to invasions, ravages, and the other
 ' miseries of war, every one who knows their situ-
 ' ation, must readily allow ; nor can it be doubt-
 ' ed by any man who has heard of the power of
 ' the *Prussians* and *French*, that they may com-
 ' mit great devastations with very little opposi-
 ' tion, the forces of the Electorate not being suf-
 ' ficient to give them battle. For tho' the for-
 ' tified towns might hold out against them, that
 ' consideration will very little alleviate the concern
 ' of those who consider the miseries of a nation,
 ' whose enemies are in possession of all the open
 ' country, and who from their ramparts see their
 ' harvests laid waste, and their villages in flames.
 ' The fortifications contain the strength, but the
 ' field and the trading towns, comprise the riches
 ' of the people, and the country may be ruin'd
 ' which is not subdu'd. As therefore, Sir, the
 ' Electoral dominions of his Majesty are now en-
 ' danger'd, not by any private dispute with the
 ' neighbouring Princes, but by his firmness in as-
 ' serting the general rights of *Europe* ; as the con-
 ' sequences of his conduct, on this occasion, will
 ' be chiefly beneficial to *England*, we ought surely
 ' to support him in the prosecution of this design.
 ' A design, which we cannot but approve, since
 ' our ancestors have always carried it on without
 ' regard either to the danger or the expence. In
 ' conformity to this maxim of politicks so clearly
 ' founded in equity, and so often justified by
 ' votes of Parliament, has his Majesty been
 ' pleased to declare to us his resolution to adhere
 ' to his engagements, and oppose all attempts that
 ' may be forming in favour of any unjust preten-
 ' sions to the prejudice of the house of *Austria*.
 ' 'Tis

‘Tis for this end he desires the concurrence of his Parliament. I hope every gentleman in this house will agree with me, that we ought to declare our approbation of these measures, in such terms, as may shew the world, that those who shall dare to obstruct them, must resolve to incur the resentment of this nation, and expose themselves to all the opposition which the Parliament of *Great-Britain* can send forth against them. We ought to pronounce that the territories of *Hanover* will be consider’d on this occasion as the dominions of *Great-Britain*, and that any attack on one or the other will be equally resented. I therefore move, that an humble address be presented by this house to his Majesty, “To return our thanks for his speech; to express our dutiful sense of his Majesty’s just regard for the rights of the Queen of *Hungary*, and for maintaining the Pragmatick Sanction; to declare our concurrence in the prudent measures, which his Majesty is pursuing for the preservation of the liberties and balance of power in *Europe*; to acknowledge his Majesty’s wisdom and resolution, in not suffering himself to be diverted from steadily persevering in his just purposes of fulfilling his engagements with the house of *Austria*; also further to assure his Majesty, that in justice to, and vindication of the honour and dignity of the *British* crown, we will effectually stand by and support his Majesty against all insults and attacks, which any Prince or power, in resentment of the just measures which he has so wisely taken, shall make upon any of his Majesty’s dominions, tho’ not belonging to the crown of *Great-Britain*. And that in any future events, which might make it necessary for him to enter into still larger expences, this house will enable him to contribute in the most effectual manner, to the support of

“ the

“ the Queen of *Hungary*, to the preventing, by all
 “ reasonable means, the subversion of the house
 “ of *Austria*, and to the maintaining the Pragma-
 “ tick Sanction, and the liberties and balance of
 “ *Europe*.”

Henry Fox, Esq; seconded the motion in this manner.

Mr. Fox's
speech.

‘ Sir, The expediency, if not the necessity of
 ‘ the address now moved for, will, I believe, be
 ‘ readily allowed by those who consider the just
 ‘ measures which are pursued by his Majesty, the
 ‘ end which is intended by them, and the powers
 ‘ by which they are opposed. How much it is
 ‘ our duty to support the house of *Austria*, it is
 ‘ not necessary to explain to any man who has
 ‘ heard the debates of this assembly, or read the
 ‘ history of the last war. How much it is our
 ‘ duty to support it, is evident as soon as it is
 ‘ known by whom it is attack’d; by the antient
 ‘ enemy of these nations, by the general disturber
 ‘ of the universe, by the formidable oppressors of
 ‘ liberty, exulting in new acquisitions, inflamed
 ‘ with the madness of universal monarchy, and
 ‘ elated with an opportunity of subjecting *Germa-
 ny*, by exalting to the supreme power a Prince
 ‘ who shall hold his authority only by their per-
 ‘ mission. The house of *Austria*, which has so
 ‘ often stood forth in defence of our common
 ‘ rights, which has poured armies into the field in
 ‘ confederacy with *Great Britain*, to suppress the
 ‘ insolence of that family which nothing could
 ‘ satisfy but boundless power, now demands the
 ‘ assistance which it has so often afforded; that
 ‘ assistance is demanded from us by every claim
 ‘ which the laws of society can enact, or the dic-
 ‘ tates of nature can suggest, by treaties maturely
 ‘ considered, and solemnly confirmed, by the ties
 ‘ of ancient friendship, and the obligations of
 ‘ common

common interest. To violate the publick faith, and to neglect the observation of treaties, is to sink ourselves below barbarity, to destroy that confidence which unites mankind in society. To deny or evade our stipulations, Sir, is to commit a crime which every honest mind must consider with abhorrence, and to establish a precedent which may be used hereafter to our own destruction. To forsake an ancient ally only because we can receive no immediate advantage from his friendship, or because it may be in some degree dangerous to adhere to him; to forsake him when he most wants our good offices, when he is distressed by his enemies, and deserted by others from whom he had reason to hope for kinder treatment, is the most despicable, the most hateful degree of cowardice and treachery. The obligations of interest, Sir, it is not often needful to enforce, but it may be observed on this occasion, that a single year of neglect may never be retrieved. We may, Sir, now be able to support those whom, when once dispossessed, it will not be in our power to restore; and if we suffer the house of *Austria* to be over-born, our posterity, through every generation, may have reason to curse our injudicious parsimony, our fatal inactivity, and our perfidious cowardice. With what views the King of *Prussia* concurs in the measures of *France*, or upon what principles of policy he promises to himself any security in the enjoyment of his new dominions, it is not easy to conjecture; but as it is easy to discover, that whatever he may propose to himself, his conduct evidently tends to the ruin of *Europe*, so he may, in my opinion, justly be opposed, if he cannot be diverted or made easy. Nor can we, Sir, if this opposition should incite him, or any other power, to an invasion of his Majesty's foreign dominions, refuse them our protection
' and

‘ and assistance. For as they suffer for the cause
 ‘ which we are engaged to support, and suffer
 ‘ only by our measures, we are, at least as allies,
 ‘ oblig’d by the laws of equity, and the general
 ‘ compacts of mankind, to arm in their defence;
 ‘ and what may be claimed by the common right
 ‘ of allies, we shall surely not deny them, only
 ‘ because they are more closely united to us, be-
 ‘ cause they own the same Monarch with our-
 ‘ selves.’

Then *William Pulteney, Esq;* spoke to the following purpose.

Mr. Pulteney's speech.

‘ Sir, With what eagerness the *French* snatch
 ‘ every opportunity of encreasing their influence,
 ‘ extending their dominions, and oppressing their
 ‘ neighbours, the experience of many years has con-
 ‘ vinced all *Europe*; and it is evident that unless
 ‘ some power be preserved in a degree of strength
 ‘ nearly equal to theirs, their schemes, pernicious
 ‘ as they are, cannot be defeated. That the only
 ‘ power from which this opposition can be hoped,
 ‘ is the house of *Austria*, a very superficial view of
 ‘ this part of the globe will sufficiently demonstrate;
 ‘ of this we were long since so strongly convinced,
 ‘ that we employed all our forces, and all our poli-
 ‘ ticks to aggrandize this house. We endeavoured
 ‘ not only to support it in all its hereditary rights,
 ‘ but to invest it with new sovereignties, and ex-
 ‘ tend its authority over new dominions. Why we
 ‘ afterwards varied in our councils and our mea-
 ‘ sures, I have long inquired without any satisfac-
 ‘ tion, having never, Sir, with the utmost appli-
 ‘ cation, been able to discover the motives to the
 ‘ memorable treaty of *Hanover*, by which we sti-
 ‘ pulated to destroy the fabrick that we had been
 ‘ so long, and so laboriously endeavouring to erect;
 ‘ by which we abandoned that alliance, which we
 ‘ had so diligently cultivated, which we had pre-
 ‘ ferred

ferred to peace, plenty, and riches, and for which we had chearfully supported a tedious, a bloody, and an expenfive war. This conduct, Sir, raises a greater degree of admiration, as the authors of it had exhausted all their eloquence in censuring the treaty of *Utrecht*, and had endeavoured to expose those who transacted it to the general hatred of the nation; as they always expressed in the strongest terms their dread and detestation of the *French*; as they animated all their harangues, and stunned their opponents with declarations of their zeal for the liberties of *Europe*. By what impulse, or what infatuation, these assertors of liberty, these enemies of *France*, these guardians of the balance of power, were on the sudden prevailed on to declare in favour of the power, whom they had so long thought it their chief interest and highest honour to oppose, must be discovered by sagacity superior to mine. But after such perplexity of councils, and such fluctuation of conduct, it is necessary to inquire more particularly what are the present intentions of the ministry, what alliances have been formed, and what conditions are required to be fulfilled. If we are obliged only to supply the Queen of *Hungary* with twelve thousand men, we have already performed our engagements; if we have promised any pecuniary assistance, the sum which we have stipulated to furnish ought to be declared; for I suppose at least our engagements have some limits, and that we are not to exert all the force of the nation, to fight as if fire and sword were at our gates, or an invader were landing armies upon our coasts. I have, Sir, from my earliest years, been zealous for the defence and exaltation of the house of *Austria*, and shall be very far from proposing that any danger or distress should influence us to desert it; but I do not easily dis-

‘ cover by what means we shall be able to afford
‘ any efficacious assistance ; for the power of this
‘ nation consists chiefly in naval armaments,
‘ which can be of very little use to the Queen of
‘ *Hungary*, and I know not any State that will
‘ easily consent to unite with us on this occasion.
‘ If there be, Sir, any States remaining in *Europe*,
‘ which the *French* can neither intimidate nor
‘ bribe, we ought studiously to solicit, and dili-
‘ gently to cultivate their friendship ; but whe-
‘ ther any, except the *Muscovites*, are now inde-
‘ pendent, or sufficiently confident of their own
‘ strength to engage in such a hazardous alli-
‘ ance, may be justly doubted. The late grand
‘ alliance, Sir, was supported at the expence of
‘ this nation alone, nor was it required from the
‘ other confederates to exhaust the treasure of
‘ their country in the common cause ; I hope the
‘ debt which that war has intailed upon us will
‘ instruct us to be more frugal in our future en-
‘ gagements, and to stipulate only what we may
‘ perform without involving the nation in mise-
‘ ry, which victories and triumphs cannot com-
‘ pensate. The necessity, Sir, of publick eco-
‘ nomy obliges me to insist, that before any mo-
‘ ney shall be granted, an account be laid before
‘ Parliament, in particular terms, of the uses to
‘ which it is to be applied. To ask for supplies
‘ in general terms, is to demand the power of
‘ squandering the publick money at pleasure, and
‘ to claim, in softer language, nothing less than
‘ despotick authority. It has not been uncom-
‘ mon for money granted by Parliament to be
‘ spent without producing any of those effects
‘ which were expected from it, without assisting
‘ our allies, or humbling our enemies ; and there-
‘ fore there is reason for suspecting that money
‘ has sometimes been asked for one use, and ap-
‘ plied to another. If our concurrence, Sir, is
‘ necessary

' necessary to increase his Majesty's influence on
 ' the continent, to animate the friends of the
 ' house of *Austria*, or to repress the disturbers of
 ' the publick tranquillity, I shall willingly unite
 ' with the most zealous advocates for the admi-
 ' nistration in any vote of approbation or assis-
 ' tance, not contrary to the act of settlement,
 ' that important and well-concerted act, by which
 ' the present Family was advanced to the throne,
 ' and by which it is provided, that *England* shall
 ' never be involved in war for the enlargement
 ' or protection of the dominions of *Hanover*, do-
 ' minions from which we never expected, nor
 ' received any benefit, and for which therefore
 ' nothing ought to be either suffered or hazarded.
 ' If it should be again necessary to form a confe-
 ' deracy, and to unite the powers of *Europe*
 ' against the house of *Bourbon*, that ambitious,
 ' that restless family, by which the repose of the
 ' world is almost every day interrupted, which is
 ' incessantly labouring against the happiness of
 ' human nature, and seeking every hour an op-
 ' portunity of new incroachments; I declare, Sir,
 ' that I shall not only, with the greatest cheer-
 ' fulness, bear my share of the publick expence,
 ' but endeavour to reconcile others to their part
 ' of the calamities of war. This, Sir, I have
 ' advanced, in confidence that sufficient care shall
 ' be taken, that in any new alliance, we shall be
 ' parties, not principals, that the expence of
 ' war, as the advantage of victory, shall be com-
 ' mon; and that those who shall unite with us
 ' will be our allies, not our mercenaries.'

Horatio Walpole, Esq; then spoke to the fol-
 lowing purport.

' Sir, It is not without reason, that the ho-
 ' nourable gentleman desires to be informed of
 ' the stipulations contained in the treaty, by

*Mr. Wal-
 pole's speech.*

‘ which we have engaged to support the Prag-
‘ matick Sanction; for I find that he either ne-
‘ ver knew them, or has forgotten them; and
‘ therefore those reasonings which he has formed
‘ upon them, fall to the ground. We are obliged,
‘ Sir, by this treaty, to supply the house of *Au-*
‘ *stria* with twelve thousand men, and the *Dutch*,
‘ who were engaged in it by our example, have
‘ promised a supply of five thousand. This
‘ force joined to those armies, which the large
‘ dominions of that family enable them to raise,
‘ were conceived sufficient to repel any enemy by
‘ whom their rights should be invaded. But be-
‘ cause in affairs of such importance nothing is
‘ to be left to hazard, because the preservation
‘ of the equipoise of power, on which the liber-
‘ ties of almost all mankind, who can call them-
‘ selves free, must be acknowledged to depend,
‘ ought to be rather certain, than barely proba-
‘ ble; it is stipulated farther, both by the *Dutch*
‘ and ourselves, that if the supplies specified in
‘ the first article shall appear insufficient, we shall
‘ unite our whole force in the defence of our
‘ ally, and struggle once more for independence,
‘ with ardour proportion’d to the importance of
‘ our cause. By these stipulations, Sir, no en-
‘ gagements have been formed that can be ima-
‘ gined to have been prohibited by the act of
‘ settlement, by which it is provided, that the
‘ house of *Hanover* shall not plunge this nation
‘ into a war, for the sake of their foreign domi-
‘ nions, without consent of Parliament; for
‘ this war is by no means entered upon for
‘ the particular security of *Hanover*, but for the
‘ general advantage of *Europe*, to repress the
‘ ambition of the *French*, and to preserve our-
‘ selves, and our posterity, from the most abject
‘ dependance upon a nation exasperated against
‘ us by long opposition, and hereditary hatred.

‘ Nor

‘ Nor is the act of settlement only preserved un-
‘ violated, by the reasons of the present alliance,
‘ but by the regular concurrence of Parliament,
‘ which his Majesty has desired, notwithstanding
‘ his indubitable right of making peace and war
‘ by his own authority. I cannot therefore ima-
‘ giue upon what pretence it can be urged, that
‘ the law, which requires that no war shall be
‘ made on account of the *Hanoverian* dominions
‘ without the consent of Parliament, is violated,
‘ when it is evident, that the war is made upon
‘ other motives, and the concurrence of Parlia-
‘ ment is solemnly desired. But such is the
‘ malevolence with which the conduct of the
‘ administration is examined, that no degree of
‘ integrity or vigilance can secure it from cen-
‘ sure. When in the present question truth and
‘ reason are evidently on their side, past transac-
‘ tions are recalled to memory, and those mea-
‘ sures are treated with the utmost degree of con-
‘ tempt and ridicule, of which the greatest part
‘ of the audience have probably forgotten the
‘ reasons, and of which the authors of them do
‘ not always stand up in the defence, because
‘ they are weary of repeating arguments to those
‘ who listen with a resolution never to be con-
‘ vinced. How well, Sir, those by whom the
‘ ministry is opposed, have succeeded in harden-
‘ ing their minds against the force of reason, is
‘ evident from their constant custom of appeal-
‘ ing from the Parliament to the people, and
‘ publishing in pamphlets those arguments which
‘ they have found themselves in this assembly
‘ unable to support; a practice which discovers
‘ rather an obstinate resolution to obstruct the
‘ government, than zeal for the prosperity of
‘ their country; and which, to speak of it in
‘ the softest terms, seems to be suggested more

‘ by the desire of popularity, than the love of truth.’

Then *Samuel Sandys*, Esq; spoke to the effect following.

Mr. *Sandys*’s
speech.

‘ Sir, Notwithstanding the confidence with which this motion has been offered and defended, notwithstanding the specious appearance of respect to his Majesty, by which it is recommended, I am not ashamed to declare, that it appears to me inconsistent with the trust reposed in us by our constituents, who owe their allegiance to the King of *Great Britain*, and not to the Elector of *Hanover*. It will be urged, Sir, by the people, whom we sit here to represent, that they are already embarrassed with debts contracted in a late war, from which, after the expence of many millions, and the destruction of prodigious multitudes, they receive no advantage; and that they are now loaded with taxes for the support of another, of which they perceive no prospect of a very happy or honourable conclusion, of either security or profit, either conquests or reprisals, and that they are therefore by no means willing to see themselves involved in any new confederacy, by which they may intail on their posterity the same calamities, and oblige themselves to hazard their fortunes, and their happiness, in defence of distant countries, of which many of them have scarcely heard, and from which no return of assistance is expected.’

Horatio Walpole, Esq; spoke again to this purpose.

Mr. *Walpole*’s
reply.

‘ Sir, Tho’ it is not necessary to refute every calumny that malice may invent, or credulity admit, or to answer those of whom it may reasonably be conceived that they do not credit their

‘ their own accusations, I will yet rise once more
‘ in vindication of the treaty of *Hanover*, to
‘ shew with how little reason it is censured, to
‘ repress the levity of insult, and the pride of
‘ unreasonable triumph. The treaty of *Hanover*,
‘ Sir, how long soever it has been ridiculed, and
‘ with whatever contempt those by whom it was
‘ negotiated have been treated, was wise and
‘ just. It was just, because no injury was in-
‘ tended to any power, no invasion was planned,
‘ no partition of dominions stipulated, nothing
‘ but our own security desired. It was wise, be-
‘ cause it produced the end proposed by it, and
‘ established that security which the *Austrians* and
‘ *Spaniards* were endeavouring to destroy. The
‘ Emperor of *Germany*, Sir, had then entered
‘ into a secret treaty of alliance with *Spain*, by
‘ which nothing less was designed than the total
‘ destruction of our liberties, the diminution of
‘ our commerce, the alienation of our domini-
‘ ons, and the subversion of our constitution.
‘ We were to have been expelled from *Gibraltar*,
‘ and totally excluded from the *Mediterranean*;
‘ the Pretender was to have been exalted to the
‘ throne, and a new religion, with the slavery
‘ that always accompanies it, to have been intro-
‘ duced amongst us; and *Ostend* was to have been
‘ made a port, and to have shared the poor re-
‘ mains of our commerce to foreign nations.
‘ This unjust, this malicious confederacy, was
‘ then opposed with the utmost vehemence by
‘ Prince *Eugene*, whose courage and mili-
‘ tary capacity are celebrated throughout the
‘ world, and whose political abilities and know-
‘ ledge of the affairs of *Europe*, were equal to
‘ his knowledge of war. He urged with great
‘ force, that such a confederacy would disunite
‘ the Empire for ever from the maritime powers,
‘ by which it had been supported, and which

‘ were engaged, by one common interest, in the
‘ promotion of its prosperity: But his remon-
‘ strances availed nothing, and the alliance was
‘ concluded. When our ancient allies, who had
‘ been so often succour’d with our treasure, and
‘ defended by our arms, had entered into such
‘ engagements; when it was stipulated not only
‘ to impoverish, but enslave us; not only to
‘ weaken us abroad, but to deprive us of every
‘ domestick comfort; when a scheme was formed
‘ that would have spread misery over the whole
‘ nation, and have extended its consequences to
‘ the lowest orders of the community, it was
‘ surely necessary to frustrate it by some alliance;
‘ and with whom could we then unite, but with
‘ *France*? This is not the only fact on which
‘ gentlemen have ventured to speak with great
‘ freedom without sufficient information; the
‘ conduct of our allies in the late war has been
‘ no less misrepresented than that of our ministers
‘ in their negotiations. They have been charged
‘ with imposing upon us the whole expence of
‘ the confederacy, when it may be proved be-
‘ yond controversy, that the annual charge of
‘ the *Dutch* was five millions. Nor did they,
‘ Sir, only contribute annually thus largely to
‘ the common cause, but when we forsook the
‘ alliance, and shamefully abandoned the advan-
‘ tages we had gained, they received our merce-
‘ naries into their own pay, and expended nine
‘ millions in a single year. Of the truth of
‘ these assertions it is easy to produce incontest-
‘ able evidence, which, however, cannot be ne-
‘ cessary to any man who reflects, that from one
‘ of the most wealthy nations in the world, the
‘ *Dutch*, with all their commerce, and all their
‘ parsimony, are reduced to penury and distress;
‘ for who can tell by what means they have sunk
‘ into their present low condition, if they suf-
‘ fered

‘fered nothing by the late war? How this gentleman, Sir, has been deceived, and to whose insinuations his errors are to be imputed, I am at no loss to discover; I hope he will by this confutation be warned against implicit credulity, and remember with what caution that man is to be trusted, whose pernicious counsels have endangered his country.’

Then *Robert Vyner*, Esq; spoke thus.

‘Sir, It is, in my opinion, an incontestable maxim, that no measures are eligible, which are unjust, and that therefore before any resolutions are formed, we ought to examine not what motives may be suggested by expedience, but what arguments may be advanced by equity on one part or the other. If I do not mistake the true intent of the address now proposed, we are invited to declare, that we will oppose the King of *Prussia* in his attempts upon *Silesia*, a declaration in which I know not how any man can concur, who knows not the nature of his claim, and the laws of the Empire. It ought therefore, Sir, to have been the first endeavour of those by whom this address has been so zealously promoted, to shew that his claim, so publicly explained, so firmly urged, and so strongly supported, is without foundation in justice, or in reason, and is only one of those imaginary titles, which ambition may always find to the dominions of another. But no attempt has been yet made towards the discussion of this important question, and therefore I know not how any man can call upon us to oppose the King of *Prussia*, when his claim may probably be just, and, by consequence, such as, if it were necessary for us to engage in the affairs of those distant countries, we ought to join with him in asserting.’

Mr. Vyner's speech.

The

The Lord *Gage* spoke next, in substance as follows.

Lord *Gage*'s
speech.

‘ Sir, As no member of this assembly can feel
‘ a greater degree of zeal for his Majesty’s ho-
‘ nour than myself, none shall more readily con-
‘ cur in any expression of duty or adherence to
‘ him. But I have been always taught, that al-
‘ legiance to my Prince is consistent with fide-
‘ lity to my country, that the interest of the
‘ King and people of *England* is the same, and
‘ that he only is a true subject of the crown,
‘ who is a steady promoter of the happiness of
‘ the nation. For this reason I think it necessary
‘ to declare, that *Hanover* is always to be confi-
‘ dered as a sovereignty separate from that of
‘ *Great Britain*, and as a country with laws and
‘ interests distinct from ours; and that it is the
‘ duty of the representatives of this nation, to
‘ take care that interests so different may never be
‘ confounded, and that *England* may incur no
‘ expence, of which *Hanover* alone can enjoy the
‘ advantage. If the Elector of *Hanover* should be
‘ engaged in war with any of the neighbouring
‘ Sovereigns, who should be enabled by a victory
‘ to enter into the country, and carry the terrors
‘ of war through all his territories, it would by no
‘ means be necessary for this nation to interpose;
‘ for the Elector of *Hanover* might lose his domi-
‘ nions without any disadvantage or dishonour to
‘ the King or people of *Great Britain*.’

The motion being at last agreed to, the follow-
ing address in pursuance thereof was drawn up and
presented to his Majesty by the whole house upon
the 10th, *viz.*

The humble address of the house of Commons
to the King.

Most

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, beg leave to return your Majesty our most humble thanks for your Majesty's most gracious speech from the throne; and to express our dutiful sense of your Majesty's just and due regard for the rights and interest of the Queen of *Hungary*, and for maintaining the Pragmatick Sanction. We cannot but entirely concur with your Majesty in the prudent measures, which your Majesty is pursuing for the support of the common cause, and for the preservation of the liberties, and the balance of power in *Europe*. We acknowledge your Majesty's wisdom and resolution, in not suffering yourself to be diverted from steadily persevering in your just purposes of fulfilling the engagements, which your Majesty has entered into with the house of *Austria*; and do assure your Majesty, that in justice, and in vindication of the honour and dignity of the *British* crown, this house will effectually stand by and support your Majesty against all insults and attacks, which any Prince or Power, in resentment of the just measures, which your Majesty has so wisely taken, shall make upon any of your Majesty's territories or dominions, though not belonging to the crown of *Great Britain*. And we beg leave further to assure your Majesty, that in any future events, which may arise from this uncertain state of things, and which may make it necessary for your Majesty to enter into still larger expences, your faithful Commons will enable your Majesty to contribute, in the most effectual manner, to the support of the Queen of *Hungary*, to the preventing, by all reasonable means, the subversion of the house of *Austria*, and to the maintaining the Pragmatick Sanction, and the liberties and balance of *Europe*.

Their
address.

To

To which his Majesty returned the following most gracious answer.

Gentlemen,

His Majesty's answer,

I Give you my thanks for this dutiful and loyal address. Your great readiness in enabling me to make good my engagements with the Queen of Hungary, and the assurances, you give me, not to suffer my foreign dominions to be insulted, on account of the measures, I am pursuing for the support of the Pragmatic Sanction, are such evident proofs of your just concern for maintaining the liberties and balance of power in Europe, and of your great regard for my honour and interest, that you may depend upon all suitable returns from me for this particular mark of your affection and confidence in me.

Motion in pursuance of the address,

The said speech having upon the 9th been referred to the committee of supply, and the house having upon the 13th resolved itself into the said committee, Sir *Robert Walpole* stood up and moved to resolve, ' That a sum not exceeding ' 300,000*l.* be granted to his Majesty, for the ' further enabling his Majesty in the most effectual ' manner to support the Queen of *Hungary*, for ' preventing the subversion of the house of *Austria*, ' and for the maintaining the Pragmatick Sanction, ' and supporting the liberties and balance of power ' in *Europe*.' This motion he supported by a speech in substance as follows:

Debate upon it.

Sir Robert Walpole's speech.

' Sir, The necessity of this grant, appears so ' plainly from the bare mention of the purposes ' for which it is asked, that I can scarcely conceive ' that its reasonableness will be disputed. I can ' discover no principles upon which an objection ' to this motion can be founded, nor the least arguments by which such objection can be supported. The indispensable obligations of publick ' faith,

‘ faith, the great ties by which nations are united,
‘ and confederacies formed, I cannot suppose any
‘ man inclined to invalidate. An exact perfor-
‘ mance of national promises, an inviolable adhe-
‘ rence to pacts and treaties is enforced at once by
‘ policy and justice, and all laws both of Heaven
‘ and Earth. Publick perfidy, Sir, like private dis-
‘ honesty, whatever temporary advantages it may
‘ promise or produce, is always, upon the whole,
‘ the parent of misery. Every man, however
‘ prosperous, must sometimes wish for a friend,
‘ and every nation, however potent, stand in need
‘ of an ally; but all alliances subsist upon mutual
‘ confidence, and confidence can be produced only
‘ by untainted integrity, by known firmness, and
‘ approved veracity. The use of alliances, Sir,
‘ has in the last age been too much experienc’d
‘ to be contested; it is by leagues well concerted,
‘ and strictly observed, that the weak are defended
‘ against the strong, that bounds are set to the
‘ turbulence of ambition, that the torrent of pow-
‘ er is restrained, and kingdoms preserved from
‘ those inundations of war, that, in former times,
‘ laid the world in ruins. By alliances, Sir, the
‘ equipoise of power is maintained, and those a-
‘ larms and apprehensions avoided, which must
‘ arise from daily vicissitudes of empire and the
‘ fluctuations of perpetual contest. That it is the
‘ interest of this nation to cultivate the friendship
‘ of the house of *Austria*, to protect its rights,
‘ and secure its succession, to inform it when mis-
‘ taken, and to assist it when attacked, is allowed
‘ by every party. Every man, Sir, knows that
‘ the only power that can sensibly injure us by
‘ obstructing our commerce, or invading our do-
‘ minions, is *France*, against which no confederacy
‘ can be formed, except with the house of *Austria*,
‘ that can afford us any efficacious support. The
‘ firmest bond of alliances is mutual interest. Men
‘ easily

' easily unite against him, whom they have all equal reason to fear and to hate, by whom they have been equally injured, and by whom they suspect that no opportunity will be lost of renewing his encroachments. Such is the state of this nation and of the *Austrians*. We are equally endanger'd by the greatness of *France*, and equally animated against it by hereditary animosities, and contests continued from one age to another; we are convinced that, however either may be flatter'd or caress'd, while the other is invaded, every blow is aimed at both, and that we are divided only that we may be more easily destroy'd. For this reason we engaged in the support of the Pragmatick Sanction, and stipulated to secure the Imperial crown to the daughters of *Austria*, which was nothing more than to promise, that we would endeavour to prevent our own destruction, by opposing the exaltation of a Prince, who should owe his dignity to the *French*, and in consequence of so close an alliance second all their schemes, admit all their claims, and sacrifice to their ambition the happiness of a great part of mankind. Such would probably be the consequence, if *France* should gain the power of conferring the Imperial crown. They would hold the Emperor in perpetual dependence, would, perhaps, take possession of his hereditary dominions as a mortgage for their expences, would awe him with the troops which they sent under a pretence of assisting him, and leave him only the titles of dominion, and the shadows of empire. In this state would he remain, whilst his formidable allies were extending their dominions on every side. He would see one power subdued after another, and himself weakened by degrees, and only not deprived of his throne, because it would be unnecessary to dethrone him; or he would be obliged to solicit

our

' our assistance to break from his slavery, and we
 ' should be obliged, at the utmost hazard, and at
 ' an expence not to be calculated, to remedy what
 ' it is, perhaps, now in our power to prevent with
 ' very little difficulty. That this danger is too
 ' near to be merely chimerical, that the Queen of
 ' *Hungary* is invaded, and her right to the Impe-
 ' rial dignity contested, is well known; it is there-
 ' fore the time for fulfilling our engagements, en-
 ' gagements of the utmost importance to ourselves
 ' and our posterity; and I hope the government
 ' will not be accused of profusion, if for three
 ' hundred thousand pounds the liberties of *Europe*
 ' shall be preserved. We cannot deny this grant,
 ' without acting in opposition to our late profes-
 ' sions of supporting his Majesty in his endeavours
 ' to maintain the Pragmatick Sanction, and of as-
 ' sisting him to defend his foreign dominions from
 ' any injuries to which those endeavours should
 ' expose them; for how can he without forces de-
 ' fend his dominions, or assist his ally, or how
 ' can he maintain forces without supplies?"

William Shippen, Esq; next rose, and spoke
 thus:

' Sir, As I have always endeavour'd to act up-
 ' on conviction of my duty; to examine opi-
 ' nions before I admit them, and to speak what I
 ' have thought the truth, I do not easily change
 ' my conduct, or retract my assertions; nor am I
 ' deterr'd from repeating my arguments when I
 ' have a right to speak, by the remembrance that
 ' they have formerly been unsuccessful. Every
 ' man, when he is confident himself, conceives
 ' himself able to persuade others, and imagines
 ' that their obstinacy proceeds from other motives
 ' than reason; and that, if he fails at one time to
 ' gain over his audience, he may yet succeed in
 ' some happier moment, when their prejudices
 ' shall

*Mr. Ship-
pen's speech.*

' shall be dissipated, or their interest varied. For
 ' this reason, though it cannot be suspected that
 ' I have forgotten the resentment which I have
 ' formerly drawn upon myself, by an open decla-
 ' ration of my sentiments with regard to *Hano-*
 ' *ver*, (See this in his speech, Vol. VII. p. 13.)
 ' I stand up again with equal confidence, to
 ' make my protestation against any interposition
 ' in the affairs of that country, and to avow my
 ' dislike of the promise lately made to defend it.
 ' A promise inconsistent, in my opinion, with that
 ' important and inviolable law, the act of settle-
 ' ment! A promise, which, if it could have been
 ' foreknown, would perhaps have for ever pre-
 ' cluded from the succession that Illustrious Fa-
 ' mily, to which we owe such numberless bles-
 ' sings, such continued felicity! Far be it from
 ' me to insinuate, that we can be too grateful to
 ' his Majesty, or too zealous in our adherence to
 ' him; only let us remember, that true gratitude
 ' consists in real benefits, in promoting the true
 ' interest of him to whom we are indebted; and
 ' surely, by hazarding the welfare of *England*, in
 ' defence of *Hanover*, we shall very little consult
 ' the advantage, or promote the greatness of our
 ' nation. It is well known how inconsiderable in
 ' the sight of those, by whom the succession was
 ' established, *Hanover* appear'd, in comparison
 ' with *Great Britain*. Those men, to whom even
 ' their enemies have seldom denied praise for
 ' knowledge and capacity, and who have been so
 ' loudly celebrated by many, who have join'd in
 ' the last address, for their honest zeal, and the
 ' love of their country, enacted, that his late
 ' Majesty should never visit those important ter-
 ' ritories, which we have so solemnly promised to
 ' defend at the hazard of our happiness. It was
 ' evidently their design, that our Sovereign, en-
 ' gross'd by the care of his new subjects, a care,
 ' which,

‘ which, as they reasonably imagin’d, would arise
‘ from gratitude for dignity and power so liberally
‘ conferr’d, should in time forget that corner of
‘ the earth, on which his ancestors had resided,
‘ and act not as Elector of *Hanover*, but as King of
‘ *England*, as the governor of a mighty nation, and
‘ the Lord of large dominions. It was expressly
‘ determined, that this nation should never be in-
‘ volv’d in war for the defence of the dominions
‘ on the continent, and doubtless the same policy
‘ that has restrain’d us from extending our con-
‘ quests in countries, from which some advantages
‘ might be receiv’d, ought to forbid all expen-
‘ sive and hazardous measures, for the sake of ter-
‘ ritories from whence no benefit can be reaped.
‘ Nor are the purposes, Sir, for which this supply
‘ is demanded, the only objections that may be
‘ urged against it, for the manner in which it is
‘ asked, makes it necessary at least to delay it.
‘ The ministers have been so little accustomed to
‘ refusals, that they have forgot when to ask with
‘ decency, and expect the treasure of the nation
‘ to be poured upon them, whenever they shall
‘ think it proper to hint, that they have discover’d
‘ some new opportunity of expence. It is ne-
‘ cessary, that when a supply is desired, the
‘ house should be inform’d, some time before, of
‘ the sum that is requir’d, and of the ends to
‘ which it is to be applied, that every member
‘ may consider at leisure, the expediency of the
‘ measures propos’d, and the proportion of the
‘ sum to the occasion on which it is demanded ;
‘ that he may examine what are the most proper
‘ methods of raising it, and perhaps enquire with
‘ what willingness his constituents will advance it.
‘ Whether any man is enabled by his accuteness
‘ and experience, to determine all these questions
‘ upon momentaneous reflection, I cannot decide.
‘ For my part, I confess myself one of those,
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‘ on whom nature has bestowed no such faculties,
 ‘ and therefore move, that the consideration of
 ‘ this supply may be deferr’d for a few days. For
 ‘ if it be now press’d upon us, I shall vote against
 ‘ it, because I do not yet fully discover all the
 ‘ the reasons for it, nor all the consequences which
 ‘ it may produce, and I think myself obliged to
 ‘ know for what purpose I give away the money
 ‘ which is not my own.’

Then *Robert Vyner*, Esq; spoke as follows :

Mr. Vyner's
speech.

‘ Sir, Whatever may be the necessity of main-
 ‘ taining the Pragmatick Sanction, or whatever
 ‘ the obligations of national pacts, of which I
 ‘ hope no man is desirous of countenancing the
 ‘ neglect, yet they cannot oblige us to arm with-
 ‘ out an enemy, to embarrass ourselves with
 ‘ watching every possibility of danger, to garison
 ‘ dominions which are not threaten’d, or assert
 ‘ rights which are not invaded. The expediency
 ‘ of maintaining the house of *Austria* on the Im-
 ‘ perial throne, it is not at present necessary to
 ‘ assert, because it does not appear that any other
 ‘ family is aspiring to it. There may indeed be
 ‘ whispers of secret designs and artful machina-
 ‘ tions, whispers, perhaps, spread only to fright
 ‘ the court into treaties, or the Parliament into
 ‘ grants; or designs, which, like a thousand
 ‘ others, that every day produces, innumerable
 ‘ accidents may defeat, which may be discover’d,
 ‘ not only before they are executed, but before
 ‘ they are fully formed, and which therefore are
 ‘ not worthy to ingross much of our attention,
 ‘ or to exhaust the wealth of the people. The
 ‘ Pragmatick Sanction is nothing more than a set-
 ‘ tlement of the Imperial dignity upon the eldest
 ‘ daughter of the late Emperor and her son, and
 ‘ if she has no son, upon the son of the second
 ‘ daughter; nor has the crown of *Great Britain*,
 ‘ by

by engaging to support that Sanction, promised any thing more than to preserve this order of succession, which no power at present is endeavouring to interrupt, and which therefore at present requires no defence. The dispute, Sir, between the King of *Prussia* and the Queen of *Hungary* is of a different kind, nor is it our duty to engage in it, either as parties or judges. He lays claim to certain territories usurped, as he alledges, from his ancestors by the *Austrian* family, and asserts, by force, this claim which is equally valid, whether the Queen be Empress or not. We have no right to limit his dominions, or obligation to examine the justice of his demands. If he is only endeavouring to gain what has been forcibly with-held from him, what right have we to obstruct his undertaking? And if the Queen can show a better title, she is, like all other Sovereigns, at liberty to maintain it; nor are we necessarily to erect ourselves into judges between Sovereigns, or distributors of dominion. The contest seems to have very little relation to the Pragmatick Sanction; if the King of *Prussia* succeeds, he will contribute to support it; and if the Queen is able to frustrate his designs, she will be too powerful to need our assistance. But tho', Sir, the Pragmatick Sanction were in danger of violation, are we to stand up alone in defence of it, while other nations, equally engaged with ourselves by interest and by treaties, sit still to look upon the contest, and gather those advantages of peace, which we indiscreetly throw away? Are we able to maintain it without assistance, or are we to exhaust our country, and ruin our posterity in prosecution of a hopeless project, to spend what can never be repaid, and to fight with certainty of a defeat? The *Dutch*, whose engagements, and whose interests are the same as our own, have not yet

' made any addition to their expences, nor aug-
 ' mentation of their troops; nor does a single po-
 ' tentate of *Europe*, however united by long al-
 ' liances to the house of *Austria*, or however en-
 ' danger'd by revolutions in the Empire, appear to
 ' rouse at the approach of alarm, or think himself
 ' obliged to provoke enemies by whom he is not
 ' yet injur'd. I cannot therefore persuade myself
 ' that we are to stand up single in the defence of
 ' the Pragmatick Sanction, to fight the quarrel of
 ' others, or live in perpetual war, that our neigh-
 ' bours may be at peace. I shall always think it
 ' my duty to disburse the publick money with the
 ' utmost parsimony, nor ever intend but on the
 ' most pressing necessity, to load with new ex-
 ' actions, a nation already over-whelm'd with
 ' debts, harass'd with taxes, and plunder'd by a
 ' standing army. For what purpose these nume-
 ' rous forces are maintain'd, who are now preying
 ' on the publick; why we increase our armies by
 ' land, when we only fight by sea, why we ag-
 ' gravate the burden of the war, and add do-
 ' mestick oppressions to foreign injuries, I am at a
 ' loss to determine. Surely some regard should be
 ' had to the satisfaction of the people, who
 ' ought not, during the present scarcity of pro-
 ' visions, to be starved by the increase of an ar-
 ' my, which seems supported only to consume
 ' them. As therefore part of our present expence is
 ' in my opinion unnecessary, I shall not contribute
 ' to aggravate it by a new grant, for purposes of
 ' which I cannot discover, that they will promote
 ' the advantage of the publick.'

Sir *Robert Walpole* replied to the following
 effect:

Sir *Robert*
Walpole's
 speech.

' Sir, The Pragmatick Sanction, which we are
 ' engag'd to support, is not confined to the pre-
 ' servation of the order of succession, but extends

' to

‘ to all the rights of the house of *Austria*, which
‘ is now attacked, and by a very formidable ene-
‘ my, at a time of weakness and distraction, and
‘ therefore requires our assistance. That others
‘ equally obliged by treaty, and by interest, to lend
‘ their help on this occasion fit reluctant, either
‘ through cowardice or negligence, or some pro-
‘ spect of temporary advantage, may, perhaps,
‘ be true; but is it any excuse of a crime, that he
‘ who commits it is not the only criminal? Will
‘ the breach of faith in others, excuse it in us?
‘ Ought we not rather to animate them by our
‘ activity, instruct them by our example, and
‘ awaken them by our representations? Perhaps
‘ the other Powers say to themselves, and to one
‘ another, why should we keep that treaty which
‘ *England* is violating? Why should we expose
‘ ourselves to danger, of which that mighty na-
‘ tion, so celebrated for courage, is afraid? Why
‘ should we rush into war, in which our most
‘ powerful ally seems unwilling to support us?
‘ Thus the same argument, an argument evi-
‘ dently false, and made specious only by interest,
‘ may be used by all, till some one, more bold
‘ and honest than the rest, shall dare to rise in vin-
‘ dication of those rights which all have pro-
‘ mised to maintain; and why should not the
‘ greatest nation be the first that shall avow her
‘ solemn engagements? Why should not they be
‘ most diligent in the prosecution of an affair, who
‘ have most to lose by in miscarriage? I am al-
‘ ways willing to believe, that no member of this
‘ assembly makes use in any solemn debate of ar-
‘ guments which do not appear rational to him-
‘ self, and yet it is difficult to conceive that any
‘ man can imagine himself released from a pro-
‘ mise, because the same promise is broken by
‘ another, or that he is at liberty to desert his
‘ friend in distress, because others desert him,

' whose good offices he has equal reason to ex-
 ' pect, and that the more his assistance is need-
 ' ed, the more right he has to deny it. Surely
 ' such arguments as these deserve not, need not a
 ' confutation. Before we regulate our conduct
 ' by that of others, we must either prove that
 ' they have done right, which proof will be a
 ' sufficient defence without the precedent, or own
 ' that they are more capable of judging than we,
 ' and that therefore we pay an implicit submission
 ' to their dictates and example; a sacrifice which
 ' we shall not willingly make to the vanity of our
 ' neighbours. In the present case, it is evident,
 ' that if other nations neglect the performance of
 ' their contracts, they are guilty of the breach of
 ' publick faith; of a crime, that if it should gene-
 ' rally be imitated, would dissolve society, and
 ' throw human nature into confusion, that would
 ' change the most happy region into deserts, in
 ' which one savage would be preying on another.
 ' Nor are they propagating an example, which
 ' in some distant times may be pleaded against
 ' themselves, but they are exposing them-
 ' selves to more immediate danger; they are for-
 ' warding designs, that have no tendency but to
 ' their ruin, they are adding strength to their in-
 ' veterate enemies, and beckoning invasion to
 ' their own frontiers. Let us, therefore, instead
 ' of hardening ourselves in perfidy, or lulling
 ' ourselves in security by their example, exert
 ' all our influence to unite them, and all our
 ' power to assist them. Let us show them
 ' what they ought to determine by our re-
 ' solutions, and teach them to act by our
 ' vigour; that if the house of *Austria* be pre-
 ' served, our alliance may be strengthened by new
 ' motives of gratitude; and that if it must be
 ' that the liberties of this part of the world be
 ' lost,

‘lost, we may not reproach ourselves with having neglected to defend them.’

Henry Pelham, Esq; spoke next to this purpose.

‘Sir, It is not to be supposed that such members of this assembly as are not engaged in publick affairs should receive very exact intelligence of the dispositions of foreign powers, and therefore I do not wonder that the conduct of the *Dutch* has been misrepresented, and that they are suspected of neglecting their engagements at a time when they are endeavouring to perform them. The *Dutch* have now under consideration the most proper methods for assisting the Queen of *Hungary*, and maintaining the Pragmatick Sanction; it may be indeed justly suspected from the nature of their constitution, that their motions will be slow, but it cannot be asserted, that they break their engagements or desert their confederates. Nor is there any reason for imagining that the other Princes who have incur’d the same obligations, will not endeavour to perform their promises; it may be easily conceived that some of them are not able at a sudden summons to afford great assistance, and that others may wait the result of our deliberations, and regulate their conduct by our example. Not that we ought to neglect our engagements, or endanger our country, because other powers are either perfidious or insensible; for I am not afraid to declare, that if that should happen, which there is no reason to suspect, if all the other powers should desert the defence of the *Austrian* line, should consent to annul the Pragmatick Sanction, and leave the Queen of *Hungary* to the mercy of her enemies, I would advise that this nation alone should pour her armies into the continent,

Mr. Pelham's speech.

‘ that she should defend her ally against the most
 ‘ formidable confederacy, and show mankind an
 ‘ example of constancy not to be shaken and of
 ‘ faith not to be violated. If it be therefore our
 ‘ duty to support the Pragmatick Sanction, it is
 ‘ now the time for declaring our resolutions,
 ‘ when the Imperial Crown is claimed by a mul-
 ‘ titude of competitors, among whom the Elector
 ‘ of *Bavaria*, a very powerful Prince, has, by
 ‘ his minister, notified his pretensions to the
 ‘ court of *Great Britain*. The ancient alliance be-
 ‘ tween this Prince and the *French* is well known,
 ‘ nor can we doubt that he will not now implore
 ‘ their assistance for the attainment of the throne
 ‘ to which he aspires; and I need not say what
 ‘ may be expected from an Emperor whose ele-
 ‘ vation was procured by the forces of *France*.
 ‘ Nor is this the only Prince that claims the Im-
 ‘ perial Crown upon plausible pretences, or whose
 ‘ claims other powers may combine to support;
 ‘ it is well known that even the King of *Spain*
 ‘ believes himself entitled to it, nor can we, who
 ‘ have no communication with him, know whe-
 ‘ ther he has not declared to all the other Prin-
 ‘ ces of *Europe*, his resolution to assert his claim.
 ‘ It is far from being impossible that the preten-
 ‘ sions of the house of *Bourbon* may be revived,
 ‘ and that though no single Prince of that fa-
 ‘ mily should attempt to mount the Imperial
 ‘ Throne, they may all conspire to dismember
 ‘ the Empire into petty kingdoms, and free
 ‘ themselves from the dread of a formidable
 ‘ neighbour, by erecting a number of diminutive
 ‘ Sovereigns, who may be always courting the
 ‘ assistance of their protectors, for the sake of
 ‘ harrassing each other. Thus will the house by
 ‘ which *Europe* has been hitherto protected, sink
 ‘ into an empty name, and we shall be left to
 ‘ stand alone against all the powers that possess a

different religion, and whose interest is opposite to that of this nation. We ought indeed, to act with the utmost vigour, when we see one of the most powerful of the reformed Princes, so far forgetful of the interest of our religion, as to co-operate with the designs of *France*, and so intent upon improving the opportunity of distressing the house of *Austria*, as to neglect the common cause, and expose himself or his posterity to the danger of becoming a dependent on the house of *Bourbon*. For this reason I cannot agree that our army, though numerous and burdensome, is greater than the necessity of affairs requires; if we cast our eyes on the continent, nothing is to be seen but general confusion, powerful armies in motion, the dominions of one Prince invaded, of another threatened, the tumults of ambition in one place, and a panick stillness in another. What will be the event of these commotions, who can discover? And how can we know what may determine the course of that flood of power, which is now in a state of uncertain fluctuation, or seems driven to different points by different impulses? How soon may the *Dutch* see their barrier attack'd, and call upon us for the ten thousand men which we are obliged to send them? How soon may the house of *Austria* be so distressed as to require all our power for its preservation? That we are to leave nothing unattempted for the security of our own religion and liberty, will easily be granted, and, therefore, unless it can be proved that we may be equally secure, though the house of *Austria* be ruined, it will necessarily follow, that we are with all our power to enforce the observation of the Pragmatick Sanction. This is not an act of romantick generosity, but such as the closest attention to our own interest shews to be necessary; in defending the Queen of *Hungary* we defend
our-

‘ ourselves, and only extinguish that flame, by
 ‘ which, if it be suffered to spread, we shall our-
 ‘ selves be consumed. The Empire may be con-
 ‘ sidered as the bulwark of *England*, which, if it
 ‘ be thrown down, leaves us naked and defence-
 ‘ less. Let us therefore consider our own danger,
 ‘ and remember, that while we are considering
 ‘ this supply, we are deliberating upon nothing
 ‘ less than the fate of our country.’

William Pulteney, Esq; spoke next to the effect following.

Mr. *Pulteney*'s speech.

‘ Sir, I am on this occasion of an opinion diffe-
 ‘ rent from that of the honourable member who
 ‘ spoke the second in this debate, though on most
 ‘ questions our judgment has been the same. I
 ‘ am so far from seconding his proposal for delay-
 ‘ ing the consideration of this supply, that I think
 ‘ it may justly be inquired, why it was not sooner
 ‘ proposed. For the support of the house of *Aus-*
 ‘ *tria*, and the assertion of the Pragmatick Sanc-
 ‘ tion no man can be more zealous than myself;
 ‘ I am convinced how closely the interest of this
 ‘ nation and that of the *Austrian* family are united,
 ‘ and how much either must be endangered by the
 ‘ ruin of the other, and therefore, I shall not de-
 ‘ lay, for a single moment, my consent to any
 ‘ measures that may re-establish our interest on the
 ‘ continent, and rescue *Germany* once more from
 ‘ the jaws of *France*. I am afraid that we have
 ‘ lost part of our influence in the neighbouring
 ‘ countries, and that the name of *Great Britain* is
 ‘ less formidable than heretofore; but if reputation
 ‘ is lost, it is time to recover it, and I doubt not
 ‘ but it may be recovered by the same means that
 ‘ it was at first obtained. Our armies may be yet
 ‘ equally destructive and our money equally per-
 ‘ suasive. We have not yet suffer'd, amidst all
 ‘ our misconduct, our naval force to be diminish-
 ‘ ed;

ed; our sailors yet retain their ancient courage,
and our fleets are sufficient to keep the dominion
of the ocean, and prescribe limits to the commerce of every nation. While this power remains unimpaired, while this nation retains her natural superiority and asserts the honour of her flag in every climate, we cannot become despicable, nor can any nation ridicule our menaces or scorn our alliance. We may still extend our influence to the inland countries, and awe those nations which we cannot invade. To preserve this power let us watch over the disposal of our money; money is the source of dominion; those nations may be formidable for their affluence which are not considerable for their numbers; and by a negligent profusion of their wealth the most powerful people may languish into imbecillity, and sink into contempt. If the grant which is now demanded will be sufficient to produce the ends to which it is proposed to be applied, if we are assured of the proper application of it, I shall agree to it without hesitation. But tho' it cannot be affirmed that the sum now demanded is too high a price for the liberties of *Europe*, it is at least more than ought to be squandered without effect, and we ought at least to know before we grant it what advantages may be expected from it. May not the sum demanded for the support of the Queen of *Hungary*, be employed to promote very different interests? May it not be lavished to support that power to which our grants have too long contributed, that power by which ourselves have been awed, and the administration has tyrannized without controul? If this sum is really intended to support the Queen of *Hungary*, may we not inquire how it is to be employed for her service? Is it to be sent her for the payment of her armies and the support of her court? Should we not
more

‘ more effectually secure her dominions by purchasing with it the friendship and assistance of the King of *Prussia*, a Prince, whose extent of dominions and numerous forces make not more formidable than his personal qualities. What may be hoped, Sir, from a Prince of wisdom and courage, at the head of a hundred and ten thousand regular troops, with eight millions in his treasury? How much he must necessarily add to the strength of any party in which he shall engage, is unnecessary to mention; it is evident, without proof, that nothing could so much contribute to the re-establishment of the house of *Austria* as a reconciliation with this mighty Prince, and that to bring it to pass would be the most effectual method of serving the unfortunate Queen that requires our assistance. Why we should despair, Sir, of such a reconciliation I cannot perceive; a reconciliation equally conducive to the real interest of both parties. It may be proved, with very little difficulty, to the King of *Prussia*, that he is now assisting those with whom interests incompatible, and religions irreconcilable have set him at variance, whom he can never see prosperous but by the diminution of his own greatness, and who will always project his ruin while they are enjoying the advantages of his victories. We may easily convince him, that their power will soon become, by his assistance, such as he cannot hope to withstand, and shew from the examples of other Princes, how dangerous it is to add to the strength of an ambitious neighbour. We may shew him how much the fate of the Empire is now in his hands, and how much more glorious and more advantageous it will be to preserve it from ruin, than to contribute to its destruction. If by such arguments, Sir, this potent monarch can be induced to act steadily in defence of the common
‘ cause,

‘ cause, we may once more stand at the head of a
‘ Protestant confederacy; of a confederacy that
‘ may contract the views and repress the ambition
‘ of the house of *Bourbon*, and alter their schemes
‘ of universal monarchy into expedients for the
‘ defence of their dominions. But in transacting
‘ these affairs, let us not engage in any intricate
‘ treaties, nor amuse ourselves with displaying our
‘ abilities for negotiation; negotiation, that fatal art,
‘ which we have learned as yet very imperfectly,
‘ and which we have never attempted to practise
‘ but to our own loss. While we have been en-
‘ tangled in tedious disquisitions, and retarded by
‘ artful delays, while our commissaries have been
‘ debating about what was only denied to produce
‘ controversies, and inquiring after that which has
‘ been hid from them only to divert their atten-
‘ tion from other questions, how many opportu-
‘ nities have been lost, and how often might we
‘ have secured by war, what was, at a much
‘ greater expence, lost by treaties? Treaties, Sir,
‘ are the artillery of our enemies, to which we
‘ have nothing to oppose; they are weapons of
‘ which we know not the use, and which we can
‘ only escape by not coming within their reach.
‘ I know not by what fatality it is, that to treat
‘ and to be cheated, are, with regard to *English-*
‘ *men*, words of the same signification; nor do
‘ I intend, by this observation, to asperse the
‘ characters of particular persons; for treaties, by
‘ whomsoever carried on, have ended always
‘ with the same success. It is time, therefore, to
‘ know, at length, our weakness and our strength,
‘ and to resolve no longer to put ourselves volun-
‘ tarily into the power of our enemies: Our troops
‘ have been always our ablest negotiators, and to
‘ them it has been, for the most part, necessary at
‘ last to refer our cause. Let us then always pre-
‘ serve our martial character, and neglect the praise
‘ of

' of political cunning; a quality which, I believe,
 ' we shall never attain, and which, if we could
 ' obtain, would add nothing to our honour. Let
 ' it be the practice of *Englishmen* to declare their
 ' resolutions without reserve, and adhere to them
 ' in opposition to danger; let them be ambitious
 ' of no other elogies than those which may be
 ' gained by honesty and courage, nor will they
 ' then ever find their allies diffident, or their ene-
 ' mies contemptuous. By recovering and assert-
 ' ing this character, we may become once more the
 ' arbiters of *Europe*, and be courted by all the pro-
 ' testant powers as their protectors; we may once
 ' more subdue the ambition of the aspiring *French-*
 ' *men*, and once more deliver the house of *Austria*
 ' from the incessant pursuit of those restless enemies.
 ' The defence of that Illustrious Family, Sir, has
 ' always appeared to me, since I studied the state of
 ' *Europe*, the unvariable interest of the *British* na-
 ' tion, and our obligations to support it on this
 ' particular occasion have already been sufficiently
 ' explained. Whence it proceeds, Sir, that those
 ' who now so zealously espouse the *Austrian* in-
 ' terest, have been so plainly forgetful of it on
 ' other occasions, I cannot determine. That
 ' treaties have been made very little to the ad-
 ' vantage of that family, and that its enemies
 ' have been suffer'd to insult it without opposi-
 ' tion, it is well known, nor was it long ago that
 ' it was debated in this house, whether any mo-
 ' ney should be lent to the late Emperor. No pub-
 ' lick or private character can be supported, no
 ' enemy, Sir, can be intimidated, nor any friend
 ' confirmed in his adherence, but by a steady and
 ' consistent conduct, by proposing in all our acti-
 ' ons such ends as may be openly avowed, and
 ' by pursuing them without regard to temporary
 ' inconveniencies, or petty obstacles. Such con-
 ' duct, Sir, I would gladly recommend on the
 ' present

‘ present occasion, on which I should be far from
‘ advising a faint, an irresolute, or momentary
‘ assistance, such supplies as declare diffidence in
‘ our own strength, or a mean inclination to please
‘ contrary parties at the same time, to perform
‘ our engagements with the Queen, and continue
‘ our friendship with *France*. It is in my opi-
‘ nion proper to espouse our ally with the spirit of
‘ a nation that expects her decisions to be ratified,
‘ that holds the balance of the world in her hand,
‘ and can bestow conquest and empire at her plea-
‘ sure. Yet, Sir, it cannot be denied, that many
‘ powerful reasons may be brought against any
‘ new occasions of expence; nor is it without
‘ horror and astonishment that any man, cover’d
‘ in political calculations, can consider the enormous
‘ profusion of the national treasure. In the late
‘ dreadful confusion of the world, when the am-
‘ bition of *France* had set half the nations of the
‘ earth on flame, when we sent our armies to the
‘ continent, and fought the general quarrel of
‘ mankind, we paid, during the reigns of King
‘ *William*, and his great successor, reigns of which
‘ every summer was distinguish’d by some impor-
‘ tant action, but four millions yearly. But our
‘ preparations for the present war, in which scarce-
‘ ly a single ship of war has been taken, or a single
‘ fortress laid in ruins, have brought upon the
‘ nation an expence of five millions. So much
‘ more are we now oblig’d to pay to amuse the
‘ weakest, than formerly to subdue the most pow-
‘ erful of our enemies. Frugality, which is al-
‘ ways prudent, is, at this time, Sir, indispen-
‘ sible, when war, dreadful as it is, may be termed
‘ the lightest of our calamities; when the seasons
‘ have disappointed us of bread, and an universal
‘ scarcity afflicts the nation. Every day brings us
‘ accounts from different parts of the country,
‘ and every account is a new evidence of the ge-
‘ neral

' neral calamity, of the want of employment for
 ' the poor, and its necessary consequence, the
 ' want of food. He that is scarce able to pre-
 ' serve himself, cannot be expected to assist others;
 ' nor is that money to be granted to foreign pow-
 ' ers, which is wanted for the support of our
 ' fellow subjects, who are now languishitg with
 ' diseases, which unaccustomed hardships, and
 ' unwholmesome provisions have brought upon
 ' them, while we are providing against distant
 ' dangers, and bewailing the distresses of the
 ' house of *Austria*.

' Let us not add to the miseries of famine,
 ' the mortifications of insult and neglect, let our
 ' countrymen, at least, divide our care with our
 ' allies, and while we form schemes for succour-
 ' ing the Queen of *Hungary*, let us endeavour to
 ' alleviate nearer distresses, and prevent or pacify
 ' domestick discontents. If there be any man
 ' whom the sight of misery cannot move to com-
 ' passion, who can hear the complaints of want
 ' without sympathy, and see the general calamity
 ' of his country without employing one hour on
 ' schemes for its relief; let not that man dare
 ' to boast of integrity, fidelity or honour; let
 ' him not presume to recommend the preserva-
 ' tion of our faith, or adherence to our confede-
 ' rates; that wretch can have no real regard to
 ' any moral obligation, who has forgotten those
 ' first duties which nature impresses; nor can he
 ' that neglects the happiness of his country, re-
 ' commend any good action for a good reason.
 ' It should be consider'd, Sir, that we can only
 ' be useful to our allies, and formidable to our
 ' enemies, by being unanimous and mutually con-
 ' fident of the good intentions of each other, and
 ' that nothing but a steady attention to the pub-
 ' lick welfare, a constant readiness to remove
 ' grievances, and an apparent unwillingness to
 ' impose

' impose new burdens, can produce that unanimity. As the cause is therefore necessarily to precede the effect, as foreign influence is the consequence of happiness at home, let us first endeavour to establish that alacrity and security, that may animate the people to assert their ancient superiority to other nations, and restore that plenty, which may raise them above any temptation to repine at assistance given to our allies. No man, Sir, can very solicitously watch over the welfare of his neighbour, whose mind is depressed by poverty, or distracted by terror; and when the nation shall see us anxious for the preservation of the Queen of *Hungary*, and unconcerned about the wants of our fellow subjects, what can be imagined, but that we have some methods of exempting ourselves from the common distress, and that we regard not the publick misery, when we do not feel it?'

Sir *Robert Walpole* reply'd, to the following effect.

' Sir, It is always proper for every man to lay down some principles upon which he proposes to act, whether in publick or private; that he may not be always wavering, uncertain, and irresolute; that his adherents may know what they are to expect, and his adversaries be able to tell why they are opposed. It is necessary, Sir, even for his own sake, that he may not be always struggling with himself; that he may know his own determinations, and enforce them by the reasons which have prevailed upon him to form them; that he may not argue in the same speech to contrary purposes, and weary the attention of his hearers with contrasts and antitheses. When a man admits the necessity of granting a supply, expatiates upon the danger that may be produced by retarding it, declares against the least delay, however speciously proposed,

*Sir Robert
Walpole's
speech.*

posed, and inforces the arguments which have been already offered to shew how much it is our duty and interest to allow it; may it not reasonably be imagined, that he intends to promote it, and is endeavouring to convince them of that necessity of which he seems himself convinced? But when the same man proceeds to display, with equal eloquence, the present calamities of the nation, and tells, to how much better purposes the sum, thus demanded, may be applied; when he dwells upon the possibility that an impolitick use may be made of the national treasure; and hints, that it may be asked for one purpose and employed to another, what can be collected from his harangue, however elegant, entertaining and pathetick? How can his true opinion be discover'd? Or how shall we fix such fugitive reasonings, such variable rhetorick? I am not able, Sir, to discern, why truth should be obscur'd; or why any man should take pleasure in heaping together all the arguments that his knowledge may supply, or his imagination suggest, against a proposition which he cannot deny. Nor can I assign any good purpose that can be promoted by perpetual renewals of debate, and by a repetition of objections, which have in former conferences, on the same occasion, been found of little force. When the system of affairs is not fully laid open, and the schemes of the administration are in part unknown, it is easy to raise objections formidable in appearance, which perhaps cannot be answered till the necessity of secrecy is taken away. When any general calamity has fallen upon a nation, it is a very fruitful topick of rhetorick, and may be very pathetically exaggerated, upon a thousand occasions to which it has no necessary relation. Such, in my opinion, Sir, is the use now made of the present scarcity; a misfortune
inflicted

‘ inflicted upon us by the hand of Providence alone; not upon us only, but upon all the nations on this side of the globe; many of which suffer more, but none less than ourselves. If at such a time, it is more burdensome to the nation to raise supplies, it must be remembered, that it is in proportion difficult to other nations to oppose those measures for which the supplies are granted; and that the same sum is of greater efficacy in times of scarcity than of plenty. Our present distress, will, I hope, soon be at an end; and perhaps a few days may produce at least some alteration. It is not without reason, that I expect the news of some successful attempts in *America*, which will convince the nation, that the preparations for war have not been idle shews, contrived to produce unnecessary expences. In the mean time, it is necessary that we support that power which may be able to assist us against *France*, the only nation from which any danger can threaten us, even though our fleets in *America* should be unsuccessful. If we defeat the *Spaniards*, we may assist the house of *Austria* without difficulty, and if we fail in our attempts, their alliance will be more necessary. The sum demanded for this important purpose, cannot be censured as exorbitant, yet will, I hope, be sufficient: If more should hereafter appear necessary, I doubt not but it will be granted.’

But at last the motion was agreed to by the committee, and likewise upon the report, by the house, without a division.

And upon the 25th of *April*, the King came to the house, and put an end to the session, with the following most gracious speech from the throne.

The King's
speech at the
end of the
session.

My Lords and Gentlemen,

THE zeal and dispatch, with which you have gone through the publick business, during the course of this session, are undeniable proofs of your steady regard to the welfare of your country, and consequently the most acceptable testimonies of your duty and affection to me. The powerful assistance, which you have given me, for carrying on the just and necessary war, in which I am engaged, is the best means of reducing our enemies to reason: And the vigor and earnestness, which you have so seasonably shewn for the defence of the house of *Austria*, and the maintenance of the balance and liberties of *Europe*, must give the greatest encouragement to our friends. These are the methods to secure to this nation that weight and influence abroad, which its natural strength and situation intitle it to.

Gentlemen of the House of Commons,

It is with particular satisfaction, I acknowledge your readiness and application in raising the supplies for the service of the current year; which you have done with so just a regard to the present exigencies of the publick, as shews you to be the true representatives of my faithful commons.

My Lords and Gentlemen,

I cannot part with this Parliament without publicly returning you my thanks, for the many eminent instances you have given me of your fidelity and affection to my person and government, your fixed resolution to maintain the protestant succession in my family, and your unshaken adherence to the true interest of your country. You have with the most becoming spirit and firmness, exerted yourselves in vindicating and defending the
I honour

honour of my crown, and the undoubted rights of navigation and commerce, belonging to my subjects, and enabled me to revenge those wrongs and insults, which, contrary to the faith of treaties, had been committed against both. In so critical a conjuncture, you have supported the national credit, and strengthened the hands of my government, to a degree exceeding the expectations of those who wished well to us, and to the manifest disappointment of such as envied our prosperity. At the same time you have demonstrated to all the world, that *Great-Britain* is in a condition, not only to defend herself, but also to afford a due support to her allies, and the common cause of *Europe*. As such a conduct must give a lasting reputation to this Parliament, so it will be the subject of emulation to those, which shall come after it.

I will immediately give the necessary orders for calling a new Parliament. There is not any thing I set so high a value upon, as the love and affection of my people; in which I have so entire a confidence, that it is with great satisfaction I see this opportunity put into their hands, of giving me a fresh proof of it, in the choice of their representatives.

On the present establishment depends the continuance of our excellent constitution in church and state: And in this constitution consists the security of the present establishment: Nothing can hurt the one, that will not, in proportion, undermine and weaken the other. For my part, the uniform preservation of both, and the maintenance of the religious and civil rights of all my subjects have been, and ever shall be, my constant care. Those who distinguish themselves by persevering in those principles, shall always find my countenance and favour; and by invariably pursuing these wise and honest measures, we may entertain

the best grounded hopes, that under the protection of the divine providence, the happiness of *Great-Britain* will be perpetuated to posterity.

And afterwards the Lord Chancellor, by his Majesty's command, said,

My Lords and Gentlemen,

I *is his Majesty's Royal Will and Pleasure, That this Parliament be prorogued to Tuesday the Twelfth Day of May next, to be then here held; and this Parliament is accordingly prorogued to Tuesday the Twelfth day of May next,*



The End of the TWENTY-FIRST VOLUME.

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The End of the TWENTY-FIRST VOLUME.



